



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1731

PAG LIN

1 1 Amend House File 645, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. By striking everything after the enacting clause
1 4 and inserting:
1 5
1 6 <DIVISION I
1 7 FY 2011=2012 APPROPRIATIONS
1 8 DEPARTMENT FOR THE BLIND
1 9 Section 1. ADMINISTRATION. There is appropriated
1 10 from the general fund of the state to the department
1 11 for the blind for the fiscal year beginning July 1,
1 12 2011, and ending June 30, 2012, the following amount,
1 13 or so much thereof as is necessary, to be used for the
1 14 purposes designated:
1 15 1. For salaries, support, maintenance,
1 16 miscellaneous purposes, and for not more than the
1 17 following full=time equivalent positions:
1 18 \$ 1,758,156
1 19 FTEs 88.00
1 20 2. For costs associated with universal access to
1 21 audio information over the phone on demand for blind
1 22 and print handicapped Iowans:
1 23 \$ 50,000
1 24 COLLEGE STUDENT AID COMMISSION
1 25 Sec. 2. There is appropriated from the general fund
1 26 of the state to the college student aid commission for
1 27 the fiscal year beginning July 1, 2011, and ending June
1 28 30, 2012, the following amounts, or so much thereof
1 29 as may be necessary, to be used for the purposes
1 30 designated:
1 31 1. GENERAL ADMINISTRATION
1 32 For salaries, support, maintenance, miscellaneous
1 33 purposes, and for not more than the following full=time
1 34 equivalent positions:
1 35 \$ 242,077
1 36 FTEs 3.95
1 37 2. STUDENT AID PROGRAMS
1 38 For payments to students for the Iowa grant program
1 39 established in section 261.93:
1 40 \$ 822,201
1 41 3. DES MOINES UNIVERSITY ==== HEALTH CARE
1 42 PROFESSIONAL RECRUITMENT PROGRAM
1 43 For forgivable loans to Iowa students attending Des
1 44 Moines university ==== osteopathic medical center under
1 45 the forgivable loan program pursuant to section 261.19:
1 46 \$ 338,756
1 47 4. NATIONAL GUARD EDUCATIONAL ASSISTANCE PROGRAM
1 48 For purposes of providing national guard educational
1 49 assistance under the program established in section
1 50 261.86:
1 51 \$ 3,186,233



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1731 continued

2 1 5. TEACHER SHORTAGE LOAN FORGIVENESS PROGRAM
2 2 For the teacher shortage loan forgiveness program
2 3 established in section 261.112:
2 4 \$ 407,841
2 5 6. ALL IOWA OPPORTUNITY FOSTER CARE GRANT PROGRAM
2 6 For purposes of the all Iowa opportunity foster care
2 7 grant program established pursuant to section 261.6:
2 8 \$ 575,783
2 9 7. ALL IOWA OPPORTUNITY SCHOLARSHIP PROGRAM
2 10 a. For purposes of the all Iowa opportunity
2 11 scholarship program established pursuant to section
2 12 261.87:
2 13 \$ 2,328,724
2 14 b. If the moneys appropriated by the general
2 15 assembly to the college student aid commission for
2 16 fiscal year 2011=2012 for purposes of the all Iowa
2 17 opportunity scholarship program exceed \$500,000,
2 18 "eligible institution" as defined in section 261.87,
2 19 shall, during fiscal year 2011=2012, include accredited
2 20 private institutions as defined in section 261.9,
2 21 subsection 1.
2 22 8. REGISTERED NURSE AND NURSE EDUCATOR LOAN
2 23 FORGIVENESS PROGRAM
2 24 a. For purposes of the registered nurse and nurse
2 25 educator loan forgiveness program established pursuant
2 26 to section 261.23:
2 27 \$ 84,022
2 28 b. It is the intent of the general assembly that
2 29 the commission continue to consider moneys allocated
2 30 pursuant to this subsection as moneys that meet the
2 31 state matching funds requirements of the federal
2 32 leveraging educational assistance program and the
2 33 federal supplemental leveraging educational assistance
2 34 program established under the Higher Education Act of
2 35 1965, as amended.
2 36 9. BARBER AND COSMETOLOGY ARTS AND SCIENCES TUITION
2 37 GRANT PROGRAM
2 38 For purposes of the barber and cosmetology arts and
2 39 sciences tuition grant program established pursuant to
2 40 section 261.18:
2 41 \$ 38,386
2 42 Sec. 3. CHIROPRACTIC LOAN FUNDS. Notwithstanding
2 43 section 261.72, the moneys deposited in the
2 44 chiropractic loan revolving fund created pursuant
2 45 to section 261.72 may be used for purposes of the
2 46 chiropractic loan forgiveness program established in
2 47 section 261.73.
2 48 Sec. 4. WORK=STUDY APPROPRIATION FOR FY
2 49 2011=2012.
2 50 Notwithstanding section 261.85, for the fiscal year



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1731 continued

3 1 beginning July 1, 2011, and ending June 30, 2012,
3 2 the amount appropriated from the general fund of the
3 3 state to the college student aid commission for the
3 4 work=study program under section 261.85 shall be zero.
3 5 DEPARTMENT OF EDUCATION
3 6 Sec. 5. There is appropriated from the general fund
3 7 of the state to the department of education for the
3 8 fiscal year beginning July 1, 2011, and ending June 30,
3 9 2012, the following amounts, or so much thereof as may
3 10 be necessary, to be used for the purposes designated:
3 11 1. GENERAL ADMINISTRATION
3 12 For salaries, support, maintenance, miscellaneous
3 13 purposes, and for not more than the following full=time
3 14 equivalent positions:
3 15 \$ 6,202,865
3 16 FTEs 81.67
3 17 2. VOCATIONAL EDUCATION ADMINISTRATION
3 18 For salaries, support, maintenance, miscellaneous
3 19 purposes, and for not more than the following full=time
3 20 equivalent positions:
3 21 \$ 449,276
3 22 FTEs 11.50
3 23 3. VOCATIONAL REHABILITATION SERVICES DIVISION
3 24 a. For salaries, support, maintenance,
3 25 miscellaneous purposes, and for not more than the
3 26 following full=time equivalent positions:
3 27 \$ 4,963,168
3 28 FTEs 255.00
3 29 b. For matching funds for programs to enable
3 30 persons with severe physical or mental disabilities to
3 31 function more independently, including salaries and
3 32 support, and for not more than the following full=time
3 33 equivalent position:
3 34 \$ 40,662
3 35 FTEs 1.00
3 36 c. For the entrepreneurs with disabilities program
3 37 established pursuant to section 259.4, subsection 9:
3 38 \$ 151,242
3 39 d. For costs associated with centers for
3 40 independent living:
3 41 \$ 41,874
3 42 4. STATE LIBRARY
3 43 a. For salaries, support, maintenance,
3 44 miscellaneous purposes, and for not more than the
3 45 following full=time equivalent positions:
3 46 \$ 1,257,051
3 47 FTEs 17.00
3 48 b. For the enrich Iowa program established under
3 49 section 256.57:
3 50 \$ 1,739,878



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

House Amendment 1731 continued

4 1 5. LIBRARY SERVICE AREA SYSTEM
4 2 For state aid:
4 3 \$ 1,044,870
4 4 6. PUBLIC BROADCASTING DIVISION
4 5 For salaries, support, maintenance, capital
4 6 expenditures, miscellaneous purposes, and for not more
4 7 than the following full-time equivalent positions:
4 8 \$ 6,914,943
4 9 FTEs 82.00
4 10 7. REGIONAL TELECOMMUNICATIONS COUNCILS
4 11 For state aid:
4 12 \$ 1,031,848
4 13 The regional telecommunications councils established
4 14 in section 8D.5 shall use the moneys appropriated in
4 15 this subsection to provide technical assistance for
4 16 network classrooms, planning and troubleshooting for
4 17 local area networks, scheduling of video sites, and
4 18 other related support activities.
4 19 8. VOCATIONAL EDUCATION TO SECONDARY SCHOOLS
4 20 For reimbursement for vocational education
4 21 expenditures made by secondary schools:
4 22 \$ 2,590,675
4 23 Moneys appropriated in this subsection shall be used
4 24 to reimburse school districts for vocational education
4 25 expenditures made by secondary schools to meet the
4 26 standards set in sections 256.11, 258.4, and 260C.14.
4 27 9. SCHOOL FOOD SERVICE
4 28 For use as state matching funds for federal
4 29 programs that shall be disbursed according to federal
4 30 regulations, including salaries, support, maintenance,
4 31 miscellaneous purposes, and for not more than the
4 32 following full-time equivalent positions:
4 33 \$ 2,121,058
4 34 FTEs 20.58
4 35 10. EARLY CHILDHOOD IOWA FUND ==== GENERAL AID
4 36 For deposit in the school ready children grants
4 37 account of the early childhood Iowa fund created in
4 38 section 256I.11:
4 39 \$ 5,550,606
4 40 a. From the moneys deposited in the school ready
4 41 children grants account for the fiscal year beginning
4 42 July 1, 2011, and ending June 30, 2012, not more than
4 43 \$265,950 is allocated for the early childhood Iowa
4 44 office and other technical assistance activities. The
4 45 early childhood Iowa state board shall direct staff to
4 46 work with the early childhood stakeholders alliance
4 47 created in section 256I.12 to inventory technical
4 48 assistance needs. Moneys allocated under this lettered
4 49 paragraph may be used by the early childhood Iowa state
4 50 board for the purpose of skills development and support



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

House Amendment 1731 continued

5 1 for ongoing training of staff. However, except as
5 2 otherwise provided in this subsection, moneys shall not
5 3 be used for additional staff or for the reimbursement
5 4 of staff.

5 5 b. As a condition of receiving moneys appropriated
5 6 in this subsection, each early childhood Iowa area
5 7 board shall report to the early childhood Iowa state
5 8 board progress on each of the local indicators approved
5 9 by the area board. Each early childhood Iowa area
5 10 board must also submit an annual budget for the area's
5 11 comprehensive school ready children grant developed for
5 12 providing services for children from birth through five
5 13 years of age, and provide other information specified
5 14 by the early childhood Iowa state board, including
5 15 budget amendments as needed. The early childhood Iowa
5 16 state board shall establish a submission deadline for
5 17 the annual budget and any budget amendments that allow
5 18 a reasonable period of time for preparation by the
5 19 early childhood Iowa area boards and for review and
5 20 approval or request for modification of the materials
5 21 by the early childhood Iowa state board. In addition,
5 22 each early childhood Iowa area board must continue to
5 23 comply with reporting provisions and other requirements
5 24 adopted by the early childhood Iowa state board in
5 25 implementing section 256I.9.

5 26 c. Of the amount appropriated in this subsection
5 27 for deposit in the school ready children grants account
5 28 of the early childhood Iowa fund, \$2,318,018 shall
5 29 be used for efforts to improve the quality of early
5 30 care, health, and education programs. Moneys allocated
5 31 pursuant to this paragraph may be used for additional
5 32 staff and for the reimbursement of staff. The early
5 33 childhood Iowa state board may reserve a portion of the
5 34 allocation, not to exceed \$88,650, for the technical
5 35 assistance expenses of the early childhood Iowa state
5 36 office, including the reimbursement of staff, and
5 37 shall distribute the remainder to early childhood Iowa
5 38 areas for local quality improvement efforts through
5 39 a methodology identified by the early childhood Iowa
5 40 state board to make the most productive use of the
5 41 funding, which may include use of the distribution
5 42 formula, grants, or other means.

5 43 d. Of the amount appropriated in this subsection
5 44 for deposit in the school ready children grants account
5 45 of the early childhood Iowa fund, \$825,030 shall
5 46 be used for support of professional development and
5 47 training activities for persons working in early care,
5 48 health, and education by the early childhood Iowa
5 49 state board in collaboration with the professional
5 50 development component group of the early childhood



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

House Amendment 1731 continued

6 1 Iowa stakeholders alliance maintained pursuant to
6 2 section 256I.12, subsection 7, paragraph "b", and the
6 3 early childhood Iowa area boards. Expenditures shall
6 4 be limited to professional development and training
6 5 activities agreed upon by the parties participating in
6 6 the collaboration.

6 7 11. EARLY CHILDHOOD IOWA FUND ==== PRESCHOOL TUITION
6 8 ASSISTANCE

6 9 a. For deposit in the school ready children grants
6 10 account of the early childhood Iowa fund created in
6 11 section 256I.11:
6 12 \$ 7,346,595

6 13 b. The amount appropriated in this subsection shall
6 14 be used for early care, health, and education programs
6 15 to assist low-income parents with tuition for preschool
6 16 and other supportive services for children ages three,
6 17 four, and five who are not attending kindergarten in
6 18 order to increase the basic family income eligibility
6 19 requirement to not more than 200 percent of the federal
6 20 poverty level. In addition, if sufficient funding is
6 21 available after addressing the needs of those who meet
6 22 the basic income eligibility requirement, an early
6 23 childhood Iowa area board may provide for eligibility
6 24 for those with a family income in excess of the basic
6 25 income eligibility requirement through use of a sliding
6 26 scale or other copayment provisions.

6 27 12. EARLY CHILDHOOD IOWA FUND ==== FAMILY SUPPORT AND
6 28 PARENT EDUCATION

6 29 a. For deposit in the school ready children grants
6 30 account of the early childhood Iowa fund created in
6 31 section 256I.11:
6 32 \$ 12,742,046

6 33 b. The amount appropriated in this subsection
6 34 shall be used for family support services and parent
6 35 education programs targeted to families expecting a
6 36 child or with newborn and infant children through age
6 37 five and shall be distributed using the distribution
6 38 formula approved by the early childhood Iowa state
6 39 board and shall be used by an early childhood Iowa
6 40 area board only for family support services and parent
6 41 education programs targeted to families expecting a
6 42 child or with newborn and infant children through age
6 43 five.

6 44 13. BIRTH TO AGE THREE SERVICES

6 45 For expansion of the federal Individuals with
6 46 Disabilities Education Improvement Act of 2004, Pub.
6 47 L. No. 108=446, as amended to January 1, 2011, birth
6 48 through age three services due to increased numbers of
6 49 children qualifying for those services:
6 50 \$ 1,721,400



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1731 continued

7 1 From the moneys appropriated in this subsection,
7 2 \$383,769 shall be allocated to the child health
7 3 specialty clinic at the state university of Iowa to
7 4 provide additional support for infants and toddlers
7 5 who are born prematurely, drug=exposed, or medically
7 6 fragile.

7 7 14. TEXTBOOKS OF NONPUBLIC SCHOOL PUPILS
7 8 To provide moneys for costs of providing textbooks
7 9 to each resident pupil who attends a nonpublic school
7 10 as authorized by section 301.1:
7 11 \$ 582,181
7 12 Funding under this subsection is limited to \$20 per
7 13 pupil and shall not exceed the comparable services
7 14 offered to resident public school pupils.

7 15 15. BEGINNING ADMINISTRATOR MENTORING AND INDUCTION
7 16 PROGRAM
7 17 For purposes of administering the beginning
7 18 administrator mentoring and induction program
7 19 established pursuant to chapter 284A:
7 20 \$ 189,050

7 21 16. CORE CURRICULUM AND CAREER INFORMATION AND
7 22 DECISION=MAKING SYSTEM
7 23 For purposes of implementing the statewide core
7 24 curriculum for school districts and accredited
7 25 nonpublic schools and a state=designated career
7 26 information and decision=making system:
7 27 \$ 1,842,052

7 28 17. STUDENT ACHIEVEMENT AND TEACHER QUALITY PROGRAM
7 29 For purposes of the student achievement and teacher
7 30 quality program established pursuant to chapter
7 31 284, and for not more than the following full=time
7 32 equivalent positions:
7 33 \$ 6,576,638
7 34 FTEs 2.00

7 35 18. COMMUNITY COLLEGES
7 36 a. For general state financial aid to merged
7 37 areas as defined in section 260C.2 in accordance with
7 38 chapters 258 and 260C:
7 39 \$168,774,647

7 40 Notwithstanding the allocation formula in section
7 41 260C.18C, the funds appropriated in this subsection
7 42 shall be allocated as follows:

7 43 (1) Merged Area I \$
8,380,170
7 44 (2) Merged Area II \$
8,811,966
7 45 (3) Merged Area III \$
8,104,003
7 46 (4) Merged Area IV \$
3,983,587
7 47 (5) Merged Area V \$
9,385,889
7 48 (6) Merged Area VI \$
7,762,119
7 49 (7) Merged Area VII \$
11,639,931



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

7 50
14,528,717

(8) Merged Area IX \$



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1731 continued

8	1	(9)	Merged Area X	\$	
26,045,064					
8	2	(10)	Merged Area XI	\$	
26,668,472					
8	3	(11)	Merged Area XII	\$	
9,502,706					
8	4	(12)	Merged Area XIII	\$	
9,902,968					
8	5	(13)	Merged Area XIV	\$	
4,049,886					
8	6	(14)	Merged Area XV	\$	
12,688,722					
8	7	(15)	Merged Area XVI	\$	
7,320,447					
8	8	b.	For distribution to community colleges to		
8	9		supplement faculty salaries:		
8	10		\$	825,012
8	11	c.	COMMUNITY COLLEGE WORKFORCE TRAINING AND		
8	12		ECONOMIC DEVELOPMENT FUNDS		
8	13		For deposit in the workforce training and economic		
8	14		development funds created pursuant to section 260C.18A:		
8	15		\$	10,000,000
8	16	Sec. 6.	BOARD OF EDUCATIONAL EXAMINERS LICENSING		
8	17		FEES. Notwithstanding section 272.10, subsection		
8	18		2, in addition to the percentage of licensing fees		
8	19		required to be deposited with the treasurer of state		
8	20		and credited to the general fund of the state pursuant		
8	21		to section 272.10, subsection 2, the executive director		
8	22		of the board of educational examiners shall, at the		
8	23		close of the fiscal year beginning July 1, 2010,		
8	24		transfer the amount of \$523,098 to the college student		
8	25		aid commission for purposes of providing national guard		
8	26		educational assistance under the program established		
8	27		in section 261.86. Notwithstanding section 8.33,		
8	28		funds transferred for purposes of this section which		
8	29		remain unencumbered or unobligated at the close of the		
8	30		fiscal year ending June 30, 2012, shall not revert but		
8	31		shall be available for expenditure for the fiscal year		
8	32		beginning July 1, 2012, for purposes of section 261.86.		
8	33	Sec. 7.	DEPARTMENT OF EDUCATION TRANSFERS. There		
8	34		is transferred between the following designated		
8	35		appropriations made to the department of education for		
8	36		the fiscal year beginning July 1, 2010, and ending June		
8	37		30, 2011, not more than the following amounts:		
8	38		From the appropriation made for purposes of the		
8	39		student achievement and teacher quality program in 2010		
8	40		Iowa Acts, chapter 1183, section 6, subsection 18, as		
8	41		follows:		
8	42	1.	To the appropriation made for purposes of		
8	43		vocational education administration in 2010 Iowa Acts,		
8	44		chapter 1183, section 6, subsection 2:		
8	45		\$	110,521
8	46	2.	To the appropriation made for purposes of		
8	47		vocational education to secondary schools in 2010 Iowa		
8	48		Acts, chapter 1183, section 6, subsection 8:		
8	49		\$	39,458



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

8 50

3. To the appropriation made for purposes of school



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1731 continued

9 1 food service in 2010 Iowa Acts, chapter 1183, section
9 2 6, subsection 9:
9 3 \$ 55,739
9 4 STATE BOARD OF REGENTS
9 5 Sec. 8. There is appropriated from the general fund
9 6 of the state to the state board of regents for the
9 7 fiscal year beginning July 1, 2011, and ending June 30,
9 8 2012, the following amounts, or so much thereof as may
9 9 be necessary, to be used for the purposes designated:
9 10 1. OFFICE OF STATE BOARD OF REGENTS
9 11 a. For salaries, support, maintenance,
9 12 miscellaneous purposes, and for not more than the
9 13 following full-time equivalent positions:
9 14 \$ 1,105,123
9 15 FTEs 15.00
9 16 (1) The state board of regents shall submit a
9 17 monthly financial report in a format agreed upon by
9 18 the state board of regents office and the legislative
9 19 services agency.
9 20 (2) The state board of regents may transfer funding
9 21 received under paragraphs "b", "c", and "d" to any
9 22 of the centers specified in paragraph "b", "c", or
9 23 "d" if the board notifies the general assembly in
9 24 writing, including both the legislative council and the
9 25 legislative services agency, of the amount, the date,
9 26 and the purpose of the transfer.
9 27 b. For moneys to be allocated to the southwest Iowa
9 28 graduate studies center:
9 29 \$ 90,766
9 30 c. For moneys to be allocated to the siouxland
9 31 interstate metropolitan planning council for the
9 32 tristate graduate center under section 262.9,
9 33 subsection 22:
9 34 \$ 69,110
9 35 d. For moneys to be allocated to the quad-cities
9 36 graduate studies center:
9 37 \$ 134,665
9 38 e. For moneys to be distributed to Iowa public
9 39 radio for public radio operations:
9 40 \$ 406,318
9 41 2. STATE UNIVERSITY OF IOWA
9 42 a. General university, including lakeside
9 43 laboratory
9 44 For salaries, support, maintenance, equipment,
9 45 miscellaneous purposes, and for not more than the
9 46 following full-time equivalent positions:
9 47 \$217,638,034
9 48 FTEs 5,058.55
9 49 b. Oakdale campus
9 50 For salaries, support, maintenance, miscellaneous



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1731 continued

10 1 purposes, and for not more than the following full=time
10 2 equivalent positions:
10 3 \$ 2,268,925
10 4 FTEs 38.25
10 5 c. State hygienic laboratory
10 6 For salaries, support, maintenance, miscellaneous
10 7 purposes, and for not more than the following full=time
10 8 equivalent positions:
10 9 \$ 3,669,943
10 10 FTEs 102.50
10 11 d. Family practice program
10 12 For allocation by the dean of the college of
10 13 medicine, with approval of the advisory board, to
10 14 qualified participants to carry out the provisions
10 15 of chapter 148D for the family practice program,
10 16 including salaries and support, and for not more than
10 17 the following full=time equivalent positions:
10 18 \$ 1,855,628
10 19 FTEs 190.40
10 20 e. Child health care services
10 21 For specialized child health care services,
10 22 including childhood cancer diagnostic and treatment
10 23 network programs, rural comprehensive care for
10 24 hemophilia patients, and the Iowa high=risk infant
10 25 follow=up program, including salaries and support, and
10 26 for not more than the following full=time equivalent
10 27 positions:
10 28 \$ 684,297
10 29 FTEs 57.97
10 30 f. Statewide cancer registry
10 31 For the statewide cancer registry, and for not more
10 32 than the following full=time equivalent positions:
10 33 \$ 154,666
10 34 FTEs 2.10
10 35 g. Substance abuse consortium
10 36 For moneys to be allocated to the Iowa consortium
10 37 for substance abuse research and evaluation, and
10 38 for not more than the following full=time equivalent
10 39 position:
10 40 \$ 57,621
10 41 FTEs 1.00
10 42 h. Center for biocatalysis
10 43 For the center for biocatalysis, and for not more
10 44 than the following full=time equivalent positions:
10 45 \$ 750,990
10 46 FTEs 6.28
10 47 i. Primary health care initiative
10 48 For the primary health care initiative in the
10 49 college of medicine, and for not more than the
10 50 following full=time equivalent positions:



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1731 continued

11 1	\$	673,375
11 2	FTEs	5.89
11 3 From the moneys appropriated in this lettered		
11 4 paragraph, \$254,889 shall be allocated to the		
11 5 department of family practice at the state university		
11 6 of Iowa college of medicine for family practice faculty		
11 7 and support staff.		
11 8 j. Birth defects registry		
11 9 For the birth defects registry, and for not more		
11 10 than the following full=time equivalent position:		
11 11	\$	39,730
11 12	FTEs	1.00
11 13 k. Larned A. Waterman Iowa nonprofit resource		
11 14 center		
11 15 For the Larned A. Waterman Iowa nonprofit resource		
11 16 center, and for not more than the following full=time		
11 17 equivalent positions:		
11 18	\$	168,662
11 19	FTEs	2.75
11 20 l. Iowa online advance placement academy science,		
11 21 technology, engineering, and mathematics initiative		
11 22 For the establishment of the Iowa online advance		
11 23 placement academy science, technology, engineering, and		
11 24 mathematics initiative:		
11 25	\$	500,000
11 26 3. IOWA STATE UNIVERSITY OF SCIENCE AND TECHNOLOGY		
11 27 a. General university		
11 28 For salaries, support, maintenance, equipment,		
11 29 miscellaneous purposes, and for not more than the		
11 30 following full=time equivalent positions:		
11 31	\$	170,536,017
11 32	FTEs	3,647.42
11 33 b. Agricultural experiment station		
11 34 For the agricultural experiment station salaries,		
11 35 support, maintenance, miscellaneous purposes, and		
11 36 for not more than the following full=time equivalent		
11 37 positions:		
11 38	\$	29,170,840
11 39	FTEs	546.98
11 40 c. Cooperative extension service in agriculture and		
11 41 home economics		
11 42 For the cooperative extension service in agriculture		
11 43 and home economics salaries, support, maintenance,		
11 44 miscellaneous purposes, and for not more than the		
11 45 following full=time equivalent positions:		
11 46	\$	18,612,391
11 47	FTEs	383.34
11 48 d. Leopold center		
11 49 For agricultural research grants at Iowa state		
11 50 university of science and technology under section		



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1731 continued

12 1 266.39B, and for not more than the following full=time
12 2 equivalent positions:
12 3 \$ 412,388
12 4 FTEs 11.25
12 5 e. Livestock disease research
12 6 For deposit in and the use of the livestock disease
12 7 research fund under section 267.8:
12 8 \$ 179,356
12 9 4. UNIVERSITY OF NORTHERN IOWA
12 10 a. General university
12 11 For salaries, support, maintenance, equipment,
12 12 miscellaneous purposes, and for not more than the
12 13 following full=time equivalent positions:
12 14 \$ 77,549,809
12 15 FTEs 1,447.50
12 16 b. Recycling and reuse center
12 17 For purposes of the recycling and reuse center, and
12 18 for not more than the following full=time equivalent
12 19 positions:
12 20 \$ 181,858
12 21 FTEs 3.00
12 22 c. Science, technology, engineering, and
12 23 mathematics (STEM) collaborative initiative
12 24 For purposes of establishing a science, technology,
12 25 engineering, and mathematics (STEM) collaborative
12 26 initiative, and for not more than the following
12 27 full=time equivalent positions:
12 28 \$ 1,800,000
12 29 FTEs 6.20
12 30 (1) From the moneys appropriated in this lettered
12 31 paragraph, up to \$282,000 shall be allocated for
12 32 salaries, staffing, and institutional support. The
12 33 remainder of the moneys appropriated in this lettered
12 34 paragraph shall be expended only to support activities
12 35 directly related to recruitment of kindergarten
12 36 through grade 12 mathematics and science teachers and
12 37 for ongoing mathematics and science programming for
12 38 students enrolled in kindergarten through grade 12.
12 39 (2) The university of northern Iowa shall work with
12 40 the community colleges to develop STEM professional
12 41 development programs for community college instructors
12 42 and STEM curriculum development.
12 43 d. Real estate education program
12 44 For purposes of the real estate education program,
12 45 and for not more than the following full=time
12 46 equivalent position:
12 47 \$ 130,022
12 48 FTEs 1.00
12 49 5. STATE SCHOOL FOR THE DEAF
12 50 For salaries, support, maintenance, miscellaneous



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1731 continued

13 1 purposes, and for not more than the following full=time
13 2 equivalent positions:
13 3 \$ 8,679,964
13 4 FTEs 126.60
13 5 6. IOWA BRAILLE AND SIGHT SAVING SCHOOL
13 6 For salaries, support, maintenance, miscellaneous
13 7 purposes, and for not more than the following full=time
13 8 equivalent positions:
13 9 \$ 3,622,320
13 10 FTEs 62.87
13 11 7. TUITION AND TRANSPORTATION COSTS
13 12 For payment to local school boards for the tuition
13 13 and transportation costs of students residing in the
13 14 Iowa braille and sight saving school and the state
13 15 school for the deaf pursuant to section 262.43 and
13 16 for payment of certain clothing, prescription, and
13 17 transportation costs for students at these schools
13 18 pursuant to section 270.5:
13 19 \$ 12,206
13 20 8. LICENSED CLASSROOM TEACHERS
13 21 For distribution at the Iowa braille and sight
13 22 saving school and the Iowa school for the deaf based
13 23 upon the average yearly enrollment at each school as
13 24 determined by the state board of regents:
13 25 \$ 85,140
13 26 Sec. 9. ENERGY COST=SAVINGS PROJECTS ====
13 27 FINANCING. For the fiscal year beginning July 1,
13 28 2011, and ending June 30, 2012, the state board of
13 29 regents may use notes, bonds, or other evidences of
13 30 indebtedness issued under section 262.48 to finance
13 31 projects that will result in energy cost savings in an
13 32 amount that will cause the state board to recover the
13 33 cost of the projects within an average of six years.
13 34 Sec. 10. PRESCRIPTION DRUG COSTS. Notwithstanding
13 35 section 270.7, the department of administrative
13 36 services shall pay the state school for the deaf and
13 37 the Iowa braille and sight saving school the moneys
13 38 collected from the counties during the fiscal year
13 39 beginning July 1, 2011, for expenses relating to
13 40 prescription drug costs for students attending the
13 41 state school for the deaf and the Iowa braille and
13 42 sight saving school.
13 43 Sec. 11. Section 256I.9, subsection 2, Code 2011,
13 44 is amended to read as follows:
13 45 2. The state board shall provide maximum
13 46 flexibility to grantees for the use of the grant
13 47 moneys included in a school ready children grant,
13 48 including but not limited to authorizing an area board
13 49 to use grant moneys to pay for regular audits required
13 50 pursuant to section 256I.5, subsection 1, if moneys



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1731 continued

14 1 distributed to an area board for administrative costs
14 2 are insufficient to pay for the required audits.
14 3 Sec. 12. Section 256I.9, subsection 3, paragraph
14 4 b, Code 2011, is amended by adding the following new
14 5 unnumbered paragraph:
14 6 NEW UNNUMBERED PARAGRAPH It is the intent
14 7 of the general assembly that priority for home
14 8 visitation program funding be given to programs using
14 9 evidence-based or promising models for home visitation.
14 10 Sec. 13. Section 257.11, subsection 5, Code 2011,
14 11 is amended by striking the subsection.
14 12 Sec. 14. Section 261.6, subsection 2, Code 2011, is
14 13 amended by adding the following new paragraph:
14 14 NEW PARAGRAPH. d. (1) Is a resident of Iowa; is,
14 15 notwithstanding subsection 3, paragraph "c", under the
14 16 age of twenty-six; is not a convicted felon as defined
14 17 in section 910.15; and meets the following criteria:
14 18 (a) Is the child of a peace officer, as defined
14 19 in section 97A.1, who is permanently and totally
14 20 disabled and who receives benefits under section
14 21 97A.6, subsection 5, or was killed in the line of duty
14 22 as determined by the board of trustees of the Iowa
14 23 department of public safety peace officers' retirement,
14 24 accident, and disability system in accordance with
14 25 section 97A.6, subsection 16.
14 26 (b) Is the child of a police officer or a
14 27 fire fighter, as defined in section 411.1, who is
14 28 permanently and totally disabled and who receives
14 29 benefits under section 411.6, subsection 5, or
14 30 was killed in the line of duty as determined by
14 31 the statewide fire and police retirement system in
14 32 accordance with section 411.6, subsection 15.
14 33 (c) Is the child of a person described as a peace
14 34 officer under section 97B.49B or is the child of
14 35 a sheriff or deputy sheriff as defined in section
14 36 97B.49C, who is permanently and totally disabled and
14 37 who receives an in-service disability retirement
14 38 allowance under section 97B.50A, subsection 2, or is
14 39 killed in the line of duty as determined by the Iowa
14 40 public employees' retirement system in accordance with
14 41 section 97B.52, subsection 2.
14 42 (2) If a student receives financial aid under any
14 43 other federal, state, or institutional scholarship or
14 44 grant program, the full amount of the other financial
14 45 aid shall be applied to the student's expenses first
14 46 and shall be considered part of the student's available
14 47 financial resources in determining the amount of the
14 48 student's award under this paragraph "d". The total
14 49 financial aid for the student's education, including
14 50 financial aid under any other program, shall not exceed



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1731 continued

15 1 the student's cost of attendance at the institution
15 2 which the student attends.

15 3 (3) For purposes of this paragraph "d":

15 4 (a) "Approved postsecondary education or training
15 5 program" means a program offered by an Iowa community
15 6 college or institution of higher education governed by
15 7 the state board of regents.

15 8 (b) "Permanently and totally disabled" means the
15 9 individual is unable to engage in any substantial
15 10 gainful activity by reason of a medically determinable
15 11 physical impairment which can be expected to last
15 12 for a continuous period or can be expected to result
15 13 in death. A certificate from a qualified physician
15 14 attesting to the individual's permanent and total
15 15 disability must be submitted to the commission. The
15 16 certificate must include the name and address of
15 17 the physician and contain an acknowledgment that the
15 18 certificate will be used by the individual to qualify
15 19 for educational assistance pursuant to this section.

15 20 Sec. 15. Section 261.19, Code 2011, is amended to
15 21 read as follows:

15 22 261.19 ~~Osteopathic physician~~ Health care
15 23 professional recruitment program.

15 24 1. A ~~physician~~ health care professional recruitment
15 25 program is established, to be administered by the
15 26 college student aid commission, for Des Moines
15 27 university ~~---- osteopathic medical center.~~ The
15 28 program shall consist of a ~~forgivable loan program~~
15 29 ~~and a tuition scholarship program for students and~~
15 30 ~~a loan repayment program for physicians~~ health care
15 31 professionals. The commission shall regularly adjust
15 32 the ~~physician~~ service requirement under each aspect
15 33 of the program to provide, to the extent possible,
15 34 an equal financial benefit for each period of service
15 35 required.

15 36 2.a. ~~Notwithstanding the administration~~

15 37 ~~provisions of subsection 1, the forgivable loan~~
15 38 ~~program established pursuant to subsection 1 shall be~~
15 39 ~~administered by the commission in conjunction with Des~~
15 40 ~~Moines university ---- osteopathic medical center. Des~~
15 41 ~~Moines university ---- osteopathic medical center shall~~
15 42 ~~match on an equal basis state aid appropriated for~~
15 43 ~~purposes of the forgivable loan program.~~

15 44 b. ~~Des Moines university ---- osteopathic medical~~
15 45 ~~center shall provide recommendations to the commission~~
15 46 ~~for students who meet the eligibility requirements of~~
15 47 ~~the forgivable loan program. A forgivable loan may~~
15 48 ~~be awarded to a resident of Iowa who is enrolled at~~
15 49 ~~Des Moines university ---- osteopathic medical center~~
15 50 ~~if the student agrees to practice in this state for~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

~~House Amendment 1731 continued~~

~~16 1 a period of time to be determined by the commission
16 2 at the time the loan is awarded. Forgivable loans to
16 3 eligible students shall not become due until after the
16 4 student completes a residency program. Interest on
16 5 the loans shall begin to accrue the day following the
16 6 student's graduation date. If the student completes
16 7 the period of practice established by the commission
16 8 and agreed to by the student, the loan amount shall
16 9 be forgiven. The loan amount shall not be forgiven
16 10 if the osteopathic physician fails to complete the
16 11 required time period of practice in this state or fails
16 12 to satisfactorily continue in the university's program
16 13 of medical education.~~

~~16 14 3. A student enrolled at Des Moines university
16 15 === osteopathic medical center shall be eligible for
16 16 a tuition scholarship for the student's study at the
16 17 university. The scholarship shall be for an amount
16 18 not to exceed the annual tuition at the university. A
16 19 student who receives a tuition scholarship shall not
16 20 be eligible for the loan repayment program provided
16 21 for by this section. A student who receives a tuition
16 22 scholarship shall agree to practice in an eligible
16 23 rural community in this state for a period of time
16 24 to be determined by the commission at the time the
16 25 scholarship is awarded. The student shall repay the
16 26 scholarship to the commission if the student fails to
16 27 practice in a medically underserved rural community in
16 28 this state for the required period of time.~~

~~16 29 4. A physician health care professional shall be
16 30 eligible for the physician loan repayment program
16 31 if the physician health care professional agrees
16 32 to practice in an eligible rural community in this
16 33 state. Des Moines university === osteopathic medical
16 34 center shall recruit and place physicians health
16 35 care professionals in rural communities which have
16 36 agreed to provide additional funds for the physician's
16 37 recipient's loan repayment. The contract for the
16 38 loan repayment shall stipulate the time period the
16 39 physician recipient shall practice in an eligible rural
16 40 community in this state. In addition, the contract
16 41 shall stipulate that the physician recipient repay any
16 42 funds paid on the physician's recipient's loan by the
16 43 commission if the physician recipient fails to practice
16 44 in an eligible rural community in this state for the
16 45 required period of time.~~

~~16 46 3. A health care professional recruitment revolving
16 47 fund is created in the state treasury as a separate
16 48 fund under the control of the commission. The
16 49 commission shall deposit payments made by health care
16 50 professional recruitment program recipients and the~~



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1731 continued

17 1 proceeds from the sale of osteopathic loans awarded
17 2 pursuant to section 261.19, subsection 2, paragraph
17 3 "b", Code 2011, into the health care professional
17 4 recruitment revolving fund. Moneys credited to the
17 5 fund shall be used to supplement moneys appropriated
17 6 for the health care professional recruitment program,
17 7 for loan repayment in accordance with this section,
17 8 and to pay for loan or interest repayment defaults by
17 9 program recipients. Notwithstanding section 8.33, any
17 10 balance in the fund on June 30 of any fiscal year shall
17 11 not revert to the general fund of the state.
17 12 4. For purposes of this ~~subsection, "eligible~~
~~17 13~~ section:
17 14 a. "Eligible rural community" means a medically
17 15 underserved rural community which agrees to match
17 16 state funds provided on at least a dollar=for=dollar
17 17 basis for the loan repayment of a ~~physician~~ health care
17 18 professional who practices in the community.
17 19 b. "Health care professional" means a physician,
17 20 physician assistant, podiatrist, or physical therapist.
17 21 5. The commission shall adopt rules pursuant to
17 22 chapter 17A to administer this section.
17 23 Sec. 16. Section 261.25, subsections 2 and 3, Code
17 24 2011, are amended to read as follows:
17 25 2. There is appropriated from the general fund
17 26 of the state to the commission for each fiscal year
17 27 the sum of four million six hundred fifty thousand
17 28 four hundred eighty=seven dollars for tuition grants
17 29 for students attending for=profit accredited private
17 30 institutions located in Iowa. A for=profit institution
17 31 which, effective March 9, 2005, or effective January
17 32 8, 2010, purchased an accredited private institution
17 33 that was exempt from taxation under section 501(c)
17 34 of the Internal Revenue Code, shall be an eligible
17 35 institution under the tuition grant program. For
17 36 purposes of the tuition grant program, "for=profit
17 37 accredited private institution" means an accredited
17 38 private institution which is not exempt from taxation
17 39 under section 501(c)(3) of the Internal Revenue Code
17 40 but which otherwise meets the requirements of section
17 41 261.9, subsection 1, paragraph "b", and whose students
17 42 were eligible to receive tuition grants in the fiscal
17 43 year beginning July 1, 2003.
17 44 3. There is appropriated from the general fund
17 45 of the state to the commission for each fiscal year
17 46 the sum of two million ~~four~~ thirty= hundred ~~thirteen~~
~~17 47~~ eight thousand ~~nine~~ four hundred ~~fifty=~~
~~17 48~~ one dollars for vocational=technical tuition
17 49 grants.
17 50 Sec. 17. Section 261E.3, subsection 1, paragraph e,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1731 continued

18 1 Code 2011, is amended to read as follows:

18 2 e. The student shall have demonstrated proficiency
18 3 in reading, mathematics, and science as evidenced by
18 4 achievement scores on the latest administration of
18 5 the state assessment for which scores are available
18 6 and as defined by the department. However, a student
18 7 receiving competent private instruction under chapter
18 8 299A may demonstrate proficiency by submitting the
18 9 written recommendation of the licensed practitioner
18 10 providing supervision to the student in accordance
18 11 with section 299A.2; may demonstrate proficiency
18 12 as evidenced by achievement scores on the annual
18 13 achievement evaluation required under section 299A.4;
18 14 or may demonstrate proficiency as evidenced by a
18 15 selection index, which is the sum of the critical
18 16 reading, mathematics, and writing skills assessments,
18 17 of at least one hundred forty-one on the preliminary
18 18 scholastic aptitude test administered by the college
18 19 board; a composite score of at least twenty-one on
18 20 the college readiness assessment administered by ACT,
18 21 inc.; or a sum of the critical reading and mathematics
18 22 scores of at least nine hundred ninety on the college
18 23 readiness assessment administered by the college board.

18 24 If a student is not proficient in one or more of the
18 25 content areas listed in this paragraph, has not taken
18 26 the college readiness assessments identified in this
18 27 paragraph, or has not achieved the scores specified
18 28 in this paragraph, the school board may establish
18 29 alternative but equivalent qualifying performance
18 30 measures including but not limited to additional
18 31 administrations of the state assessment, portfolios
18 32 of student work, student performance rubric, or
18 33 end-of-course assessments.

18 34 Sec. 18. Section 261E.9, subsections 1 through 3,
18 35 Code 2011, are amended to read as follows:

18 36 1. a. A regional academy is a program established
18 37 by a school district to which multiple school districts
18 38 send students in grades ~~nine~~ seven through twelve,
18 39 ~~and which may include internet-based coursework~~
18 40 ~~and courses delivered via the Iowa communications~~
18 41 ~~network. A regional academy shall include in its~~
18 42 ~~curriculum advanced level courses and may include~~
18 43 ~~in its curriculum career and technical courses. A~~
18 44 school district establishing a regional academy may
18 45 collaborate and partner with, enter into an agreement
18 46 pursuant to chapter 28E with, or enter into a contract
18 47 with, one or more school districts, area education
18 48 agencies, community colleges, accredited public
18 49 and private postsecondary institutions, accredited
18 50 nonpublic schools, businesses, and private agencies



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1731 continued

19 1 located within or outside of the state.

19 2 b. The purpose of a regional academy established
19 3 pursuant to this section shall be to build a culture
19 4 of innovation for students and community, to diversify
19 5 educational and economic opportunities by engaging in
19 6 learning experiences that involve students in complex,
19 7 real-world projects, and to develop regional or global
19 8 innovation networks.

19 9 c. If a school district establishing a regional
19 10 academy in accordance with this section submits a plan
19 11 to the department for approval that demonstrates how
19 12 the regional academy will increase and assess student
19 13 achievement or increase and assess competency-based
19 14 learning opportunities for students, the department may
19 15 waive or modify any statutory or regulatory provision
19 16 applicable to school districts except the department
19 17 shall not waive or modify any statutory or regulatory
19 18 provision relating to requirements applicable to school
19 19 districts under chapters 11, 21, 22, 216, 216A, 256B,
19 20 279, 284, and 285; or relating to contracts with and
19 21 discharge of teachers and administrators under chapters
19 22 20 and 279; or relating to audit requirements under
19 23 section 256.9, subsection 20, and section 279.29.

19 24 2. a. A regional academy ~~course~~ shall ~~not qualify~~
19 25 ~~as a concurrent enrollment course~~ include in its
19 26 curriculum advanced level courses.

19 27 b. A regional academy may include in its curriculum
19 28 virtual or internet-based coursework and courses
19 29 delivered via the Iowa communications network, career
19 30 and technical courses, core curriculum coursework,
19 31 courses required pursuant to section 256.7, subsection
19 32 26, or section 256.11, subsections 4 and 5, and
19 33 asynchronous learning networks.

19 34 3. School districts participating in regional
19 35 academies are eligible for supplementary weighting as
19 36 provided in section 257.11, subsection 2. The school
19 37 districts participating in the regional academy shall
19 38 enter into an agreement on how the funding generated
19 39 by the supplementary weighting received shall be used
19 40 and shall submit the agreement to the department for
19 41 approval.

19 42 Sec. 19. Section 262.13, Code 2011, is amended to
19 43 read as follows:

19 44 262.13 ~~Security~~ Peace officers at institutions ~~as~~
19 45 ~~peace officers~~.

19 46 The board may authorize any institution under its
19 47 control to commission one or more of its employees
19 48 as ~~special security~~ peace officers. ~~Special security~~
19 49 ~~officers~~ Such officers shall have the same powers,
19 50 duties, privileges, and immunities ~~of~~ as conferred on



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1731 continued

20 1 regular peace officers ~~when acting in the interests~~
20 2 ~~of the institution by which they are employed.~~ The
20 3 board shall provide as rapidly as practicable for the
20 4 adequate training and certification of such ~~special~~
20 5 ~~security~~ peace officers at the Iowa law enforcement
20 6 academy or ~~in an equivalent~~ at a law enforcement
20 7 training ~~program~~ school approved by the academy, unless
20 8 ~~they have~~ the peace officers are already ~~received such~~
20 9 ~~training~~ certified by the Iowa law enforcement academy
20 10 or by an approved law enforcement training school.
20 11 Sec. 20. Section 263.8A, Code 2011, is amended to
20 12 read as follows:
20 13 263.8A International center for talented and gifted
20 14 education ==== Iowa online advanced placement academy
20 15 science, technology, engineering, and mathematics
20 16 initiative.
20 17 1. a. The state board of regents shall establish
20 18 and maintain at Iowa City as an integral part of the
20 19 state university of Iowa the international center for
20 20 talented and gifted education. The international
20 21 center shall provide programs to assist classroom
20 22 teachers to teach gifted and talented students in
20 23 regular classrooms, provide programs to enhance the
20 24 learning experiences of gifted and talented students,
20 25 serve as a center for national and international
20 26 symposiums and policy forums for enhancing the teaching
20 27 of gifted and talented students, and undertake other
20 28 appropriate activities to enhance the programs of the
20 29 center, including, but not limited to, coordinating and
20 30 working with the world council for gifted and talented
20 31 children, incorporated.
20 32 b. An international center endowment fund is
20 33 established at the state university of Iowa and gifts
20 34 and grants to the international center and investment
20 35 earnings and returns on the endowment fund shall be
20 36 deposited in the fund and may be expended by the state
20 37 university of Iowa for the purposes for which the
20 38 international center was established.
20 39 2. The Iowa online advanced placement academy
20 40 science, technology, engineering, and mathematics
20 41 initiative is established within the international
20 42 center for talented and gifted education at the state
20 43 university of Iowa to deliver, with an emphasis on
20 44 science, technology, engineering, and mathematics
20 45 coursework, preadvanced placement and advanced
20 46 placement courses to high school students throughout
20 47 the state, provide training opportunities for teachers
20 48 to learn how to teach advanced placement courses in
20 49 Iowa's high schools, and provide preparation for middle
20 50 school students to ensure success in high school.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1731 continued

21 1 Sec. 21. Section 273.7A, unnumbered paragraph 1,
21 2 Code 2011, is amended to read as follows:

21 3 The board of an area education agency may provide
21 4 services to school districts located in the area
21 5 education agency under contract with the school
21 6 districts. These services may include, but are not
21 7 limited to, superintendency services, personnel
21 8 services, business management services, purchasing
21 9 services, specialized maintenance services, and
21 10 transportation services. In addition, the board of
21 11 the area education agency may provide for furnishing
21 12 expensive and specialized equipment for school
21 13 districts. School districts shall pay to area
21 14 education agencies the cost of providing the services.

21 15 Sec. 22. Section 284.13, subsection 1, paragraphs a
21 16 through d, Code 2011, are amended to read as follows:

21 17 a. For the fiscal year beginning July 1, ~~2010~~ 2011,
21 18 and ending June 30, ~~2011~~ 2012, to the department of
21 19 education, the amount of ~~nine six hundred sixty-four~~
21 20 ~~eighty-five~~ thousand dollars for the issuance of
21 21 national board certification awards in accordance
21 22 with section 256.44. Of the amount allocated under
21 23 this paragraph, not less than ~~seventy-six~~ eighty-five
21 24 thousand ~~five hundred~~ dollars shall be used to
21 25 administer the ambassador to education position in
21 26 accordance with section 256.45.

21 27 b. For the fiscal year beginning July 1, ~~2010~~ 2011,
21 28 and ~~succeeding fiscal years~~ ending June 30, 2012,
21 29 an amount up to ~~four~~ three million ~~one~~ five hundred
21 30 ~~seven~~ sixty-three thousand ~~two hundred forty four~~
21 31 hundred eight dollars for first-year and second-year
21 32 beginning teachers, to the department of education for
21 33 distribution to school districts and area education
21 34 agencies for purposes of the beginning teacher
21 35 mentoring and induction programs. A school district or
21 36 area education agency shall receive one thousand three
21 37 hundred dollars per beginning teacher participating in
21 38 the program. If the funds appropriated for the program
21 39 are insufficient to pay mentors, school districts, and
21 40 area education agencies as provided in this paragraph,
21 41 the department shall prorate the amount distributed
21 42 to school districts and area education agencies based
21 43 upon the amount appropriated. Moneys received by a
21 44 school district or area education agency pursuant to
21 45 this paragraph shall be expended to provide each mentor
21 46 with an award of five hundred dollars per semester, at
21 47 a minimum, for participation in the school district's
21 48 or area education agency's beginning teacher mentoring
21 49 and induction program; to implement the plan; and to
21 50 pay any applicable costs of the employer's share of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1731 continued

22 1 contributions to federal social security and the Iowa
22 2 public employees' retirement system or a pension and
22 3 annuity retirement system established under chapter
22 4 294, for such amounts paid by the district or area
22 5 education agency.
22 6 c. For the fiscal year beginning July 1, 2010
~~22 7 2011, and ending June 30, 2011~~ 2012, up to six
22 8 hundred ~~thirteen~~ ninety-five thousand ~~eight hundred~~
~~22 9 seventy-eight~~ dollars to the department for purposes
22 10 of implementing the professional development program
22 11 requirements of section 284.6, assistance in developing
22 12 model evidence for teacher quality committees
22 13 established pursuant to section 284.4, subsection 1,
22 14 paragraph "c", and the evaluator training program in
22 15 section 284.10. A portion of the funds allocated to
22 16 the department for purposes of this paragraph may be
22 17 used by the department for administrative purposes and
22 18 for not more than four full-time equivalent positions.
22 19 d. For ~~each~~ the fiscal year ~~in which funds are~~
~~22 20 appropriated for purposes of this chapter beginning~~
22 21 July 1, 2011, and ending June 30, 2012, an amount up
22 22 to one million six hundred ~~twenty-nine~~ thirty-three
22 23 ~~thousand six~~ two hundred ~~forty-seven~~ thirty dollars
22 24 to the department for the establishment of teacher
22 25 development academies in accordance with section 284.6,
22 26 subsection 10. A portion of the funds allocated to the
22 27 department for purposes of this paragraph may be used
22 28 for administrative purposes.
22 29 Sec. 23. Section 298.3, subsection 1, paragraph c,
22 30 Code 2011, is amended to read as follows:
22 31 c. The purchase, lease, or lease=purchase of ~~a~~
~~22 32 single unit of~~ equipment or technology exceeding five
22 33 hundred dollars in value per ~~unit~~ purchase, lease,
22 34 or lease=purchase transaction. Each transaction may
22 35 include multiple equipment or technology units.
22 36 Sec. 24. Section 299A.2, Code 2011, is amended to
22 37 read as follows:
22 38 299A.2 Competent private instruction by licensed
22 39 practitioner.
22 40 If a licensed practitioner provides competent
22 41 instruction to a ~~school-age~~ child of compulsory
~~22 42 attendance age~~, the practitioner shall possess a
22 43 valid license or certificate which has been issued
22 44 by the state board of educational examiners under
22 45 chapter 272 and which is appropriate to the ages and
22 46 grade levels of the children to be taught. Competent
22 47 private instruction may include, but is not limited
22 48 to, a home school assistance program which provides
22 49 instruction or instructional supervision offered
22 50 through an accredited nonpublic school or public



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1731 continued

23 1 school district by a teacher, who is employed by the
23 2 accredited nonpublic school or public school district,
23 3 who assists and supervises a parent, guardian, or legal
23 4 custodian in providing instruction to a child. If
23 5 competent private instruction is provided through a
23 6 public school district, the child shall be enrolled and
23 7 included in the basic enrollment of the school district
23 8 as provided in section 257.6. Sections 299A.3 through
23 9 299A.7 do not apply to competent private instruction
23 10 provided by a licensed practitioner under this section.
23 11 However, the reporting requirement contained in section
23 12 299A.3, subsection 1, shall apply to competent private
23 13 instruction provided by licensed practitioners that is
23 14 not part of a home school assistance program offered
23 15 through an accredited nonpublic school or public school
23 16 district.

23 17 Sec. 25. Section 299A.8, Code 2011, is amended to
23 18 read as follows:

23 19 299A.8 Dual enrollment.

23 20 If a parent, guardian, or legal custodian of a
23 21 school-age child who is receiving competent private
23 22 instruction under this chapter ~~or a child over~~

~~23 23 compulsory age who is receiving private instruction~~
23 24 submits a request, the child shall also be registered
23 25 in a public school for dual enrollment purposes. If
23 26 the child is enrolled in a public school district for
23 27 dual enrollment purposes, the child shall be permitted
23 28 to participate in any academic activities in the
23 29 district and shall also be permitted to participate
23 30 on the same basis as public school children in any
23 31 extracurricular activities available to children in
23 32 the child's grade or group, and the parent, guardian,
23 33 or legal custodian shall not be required to pay the
23 34 costs of any annual evaluation under this chapter. If
23 35 the child is enrolled for dual enrollment purposes,
23 36 the child shall be included in the public school's
23 37 basic enrollment under section 257.6. A pupil who is
23 38 participating only in extracurricular activities shall
23 39 be counted under section 257.6, subsection 1, paragraph
23 40 "a", subparagraph (6). A pupil enrolled in grades nine
23 41 through twelve under this section shall be counted in
23 42 the same manner as a shared-time pupil under section
23 43 257.6, subsection 1, paragraph "a", subparagraph (3).

23 44 Sec. 26. Section 299A.12, subsection 1, Code 2011,
23 45 is amended to read as follows:

23 46 1. The board of directors of a school district ~~may~~
~~23 47 shall~~ expend moneys received pursuant to section 257.6,
23 48 subsection 1, paragraph "a", subparagraph (5), for
23 49 purposes of providing a home school assistance program.

23 50 Sec. 27. Section 299A.12, subsection 2, paragraphs



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1731 continued

24 1 a and b, Code 2011, are amended to read as follows:

24 2 a. ~~Assisting~~ Instruction for students and assisting
24 3 parents with instruction.

24 4 b. ~~Student~~ Support services for students and
24 5 ~~teaching-parent support services~~ teaching parents and
24 6 staff support services.

24 7 Sec. 28. Section 299A.12, subsection 2, paragraph
24 8 g, unnumbered paragraph 1, Code 2011, is amended to
24 9 read as follows:

24 10 Resources, materials, computer software and
24 11 hardware, ~~and~~ supplies, and purchased services that
24 12 meet the following criteria:

24 13 Sec. 29. Section 299A.12, subsection 3, paragraphs
24 14 b, c, e, and f, Code 2011, are amended to read as
24 15 follows:

24 16 b. Operational or maintenance costs ~~in addition~~
24 17 ~~to the cost of maintaining school district facilities~~
24 18 ~~other than those necessary to operate and maintain the~~
24 19 program.

24 20 c. Capital expenditures other than equipment or
24 21 facility acquisition, including the lease or rental of
24 22 space to supplement existing schoolhouse facilities.

24 23 e. Administrative costs other than the costs
24 24 necessary to administer the program.

24 25 f. Concurrent and dual enrollment ~~program~~ costs and
24 26 postsecondary enrollment options program costs.

24 27 Sec. 30. Section 321.89, subsection 1, paragraph c,
24 28 Code 2011, is amended to read as follows:

24 29 c. "Police authority" means the state patrol, any
24 30 law enforcement agency of a county or city, or any
24 31 ~~special security~~ peace officer employed by the state
24 32 board of regents under section 262.13.

24 33 Sec. 31. Section 801.4, subsection 11, paragraph f,
24 34 Code 2011, is amended to read as follows:

24 35 f. ~~Special security~~ Peace officers employed by
24 36 board of regents institutions as set forth in section
24 37 262.13.

24 38 Sec. 32. REPEAL. Section 261.19B, Code 2011, is
24 39 repealed.

24 40 Sec. 33. EFFECTIVE UPON ENACTMENT. The section
24 41 of this division of this Act transferring moneys
24 42 appropriated pursuant to 2010 Iowa Acts, chapter 1183,
24 43 section 6, subsection 18, being deemed of immediate
24 44 importance, takes effect upon enactment.

24 45 Sec. 34. EFFECTIVE DATE AND APPLICABILITY. The
24 46 section of this division of this Act amending section
24 47 261E.9, subsections 1 through 3, takes effect July 1,
24 48 2012, and is applicable to school years beginning on or
24 49 after July 1, 2012.

24 50 Sec. 35. EFFECTIVE UPON ENACTMENT. The section



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1731 continued

25 1 of this division of this Act amending section 261.6,
25 2 subsection 2, being deemed of immediate importance,
25 3 takes effect upon enactment.
25 4 Sec. 36. APPLICABILITY. The section of this
25 5 division of this Act that amends section 298.3 applies
25 6 to school budget years beginning on or after July 1,
25 7 2011.
25 8 Sec. 37. RETROACTIVE APPLICABILITY. The sections
25 9 of this division of this Act amending sections 299A.2
25 10 and 299A.8 apply retroactively to the base year
25 11 beginning July 1, 2009.

DIVISION II

LIBRARY PROVISIONS

25 13 Sec. 38. Section 8A.454, subsection 2, Code 2011,
25 14 is amended to read as follows:
25 15 2. A monthly per contract administrative charge
25 16 shall be assessed by the department on all health
25 17 insurance plans administered by the department in which
25 18 the contract holder has a state employer to pay the
25 19 charge. The amount of the administrative charge shall
25 20 be established by the general assembly. The department
25 21 shall collect the administrative charge from each
25 22 department utilizing the centralized payroll system and
25 23 shall deposit the proceeds in the fund. In addition,
25 24 the state board of regents, ~~all library service~~
~~25 25 areas,~~ the state fair board, the state department of
25 26 transportation, and each judicial district department
25 27 of correctional services shall remit the administrative
25 28 charge on a monthly basis to the department and shall
25 29 submit a report to the department containing the number
25 30 and type of health insurance contracts held by each of
25 31 its employees whose health insurance is administered by
25 32 the department.

25 34 Sec. 39. Section 8D.2, subsection 5, paragraph a,
25 35 Code 2011, is amended to read as follows:
25 36 a. "Public agency" means a state agency, an
25 37 institution under the control of the board of regents,
25 38 the judicial branch as provided in section 8D.13,
25 39 subsection 16, a school corporation, a city library,
25 40 ~~a library service area as provided in chapter 256,~~
25 41 a county library as provided in chapter 336, or a
25 42 judicial district department of correctional services
25 43 established in section 905.2, to the extent provided in
25 44 section 8D.13, subsection 14, an agency of the federal
25 45 government, or a United States post office which
25 46 receives a federal grant for pilot and demonstration
25 47 projects.

25 48 Sec. 40. Section 8D.9, subsection 1, Code 2011, is
25 49 amended to read as follows:
25 50 1. A private or public agency, other than a state



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1731 continued

26 1 agency, local school district or nonpublic school, city
26 2 library, ~~library service area~~, county library, judicial
26 3 branch, judicial district department of correctional
26 4 services, agency of the federal government, a hospital
26 5 or physician clinic, or a post office authorized to be
26 6 offered access pursuant to this chapter as of May 18,
26 7 1994, shall certify to the commission no later than
26 8 July 1, 1994, that the agency is a part of or intends
26 9 to become a part of the network. Upon receiving such
26 10 certification from an agency not a part of the network
26 11 on May 18, 1994, the commission shall provide for the
26 12 connection of such agency as soon as practical. An
26 13 agency which does not certify to the commission that
26 14 the agency is a part of or intends to become a part of
26 15 the network as required by this subsection shall be
26 16 prohibited from using the network.

26 17 Sec. 41. Section 8D.11, subsection 4, Code 2011, is
26 18 amended to read as follows:

26 19 4. A political subdivision receiving communications
26 20 services from the state as of April 1, 1986, may
26 21 continue to do so but communications services shall
26 22 not be provided or resold to additional political
26 23 subdivisions other than a school corporation, a city
26 24 library, ~~a library service area as provided in chapter~~
~~26 25 256,~~ and a county library as provided in chapter 336.
26 26 The rates charged to the political subdivision shall be
26 27 the same as the rates charged to state agencies.

26 28 Sec. 4. Section 12C.1, subsection 1, Code 2011, is
26 29 amended to read as follows:

26 30 1. All funds held by the following officers
26 31 or institutions shall be deposited in one or more
26 32 depositories first approved by the appropriate
26 33 governing body as indicated: for the treasurer of
26 34 state, by the executive council; for judicial officers
26 35 and court employees, by the supreme court; for the
26 36 county treasurer, recorder, auditor, and sheriff, by
26 37 the board of supervisors; for the city treasurer or
26 38 other designated financial officer of a city, by the
26 39 city council; for the county public hospital or merged
26 40 area hospital, by the board of hospital trustees;
26 41 for a memorial hospital, by the memorial hospital
26 42 commission; for a school corporation, by the board
26 43 of school directors; for a city utility or combined
26 44 utility system established under chapter 388, by the
26 45 utility board; ~~for a library service area established~~
~~26 46 under chapter 256, by the library service area board of~~
~~26 47 trustees;~~ and for an electric power agency as defined
26 48 in section 28F.2 or 390.9, by the governing body of the
26 49 electric power agency. However, the treasurer of state
26 50 and the treasurer of each political subdivision or the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1731 continued

27 1 designated financial officer of a city shall invest
27 2 all funds not needed for current operating expenses in
27 3 time certificates of deposit in approved depositories
27 4 pursuant to this chapter or in investments permitted by
27 5 section 12B.10. The list of public depositories and
27 6 the amounts severally deposited in the depositories
27 7 are matters of public record. This subsection does
27 8 not limit the definition of "public funds" contained
27 9 in subsection 2. Notwithstanding provisions of this
27 10 section to the contrary, public funds of a state
27 11 government deferred compensation plan established
27 12 by the executive council may also be invested in the
27 13 investment products authorized under section 509A.12.
27 14 Sec. 43. Section 218.22, Code 2011, is amended to
27 15 read as follows:

27 16 218.22 Record privileged.

27 17 Except with the consent of the administrator in
27 18 charge of an institution, or on an order of a court of
27 19 record, the record provided in section 218.21 shall be
27 20 accessible only to the administrator of the division
27 21 of the department of human services in control of
27 22 such institution, the director of the department of
27 23 human services and to assistants and proper clerks
27 24 authorized by such administrator or the administrator's
27 25 director. The administrator of the division of such
27 26 institution is authorized to permit the division of
27 27 ~~libraries and information~~ library services of the
27 28 department of education and the historical division of
27 29 the department of cultural affairs to copy or reproduce
27 30 by any photographic, photostatic, microfilm, microcard
27 31 or other process which accurately reproduces a durable
27 32 medium for reproducing the original and to destroy in
27 33 the manner described by law such records of residents
27 34 designated in section 218.21.

27 35 Sec. 44. Section 256.7, unnumbered paragraph 1,
27 36 Code 2011, is amended to read as follows:

27 37 Except for the college student aid commission,
27 38 the commission of libraries and division of library
27 39 services, and the public broadcasting board and
27 40 division, the state board shall:

27 41 Sec. 45. Section 256.7, subsection 17, Code 2011,
27 42 is amended to read as follows:

27 43 17. Receive and review the budget and unified plan
27 44 of service submitted by the division of ~~libraries and~~
27 45 ~~information~~ library services.

27 46 Sec. 46. Section 256.9, unnumbered paragraph 1,
27 47 Code 2011, is amended to read as follows:

27 48 Except for the college student aid commission,
27 49 the commission of libraries and division of library
27 50 services, and the public broadcasting board and



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1731 continued

28 1 division, the director shall:

28 2 Sec. 47. Section 256.50, subsection 2, Code 2011,
28 3 is amended to read as follows:

28 4 2. "Division" means the division of ~~libraries and~~
~~28 5 information~~ library services of the department of
28 6 education.

28 7 Sec. 48. Section 256.51, subsection 1, unnumbered
28 8 paragraph 1, Code 2011, is amended to read as follows:

28 9 The division of ~~libraries and information~~ library
28 10 services is ~~established within~~ attached to the
28 11 department of education for administrative purposes.

28 12 The state librarian shall be responsible for the
28 13 division's budgeting and related management functions
28 14 in accordance section 256.52, subsection 3. The

28 15 division shall do all of the following:

28 16 Sec. 49. Section 256.51, subsection 1, Code 2011,
28 17 is amended by adding the following new paragraphs:

28 18 NEW PARAGRAPH. 0a. Provide support services to
28 19 libraries, including but not limited to consulting,
28 20 continuing education, interlibrary loan services, and
28 21 references services to assure consistency of service
28 22 statewide and to encourage local financial support for
28 23 library services.

28 24 NEW PARAGRAPH. 1. Allow a public library that
28 25 receives state assistance under section 256.57, or
28 26 financial support from a city or county pursuant
28 27 to section 256.69, to dispose of, through sale,
28 28 conveyance, or exchange, any library materials that may
28 29 be obsolete or worn out or that may no longer be needed
28 30 or appropriate to the mission of the public library.
28 31 These materials may be sold by the public library
28 32 directly or the governing body of the public library
28 33 may sell the materials by consignment to a public
28 34 agency or to a private agency organized to raise funds
28 35 solely for support of the public library. Proceeds
28 36 from the sale of the library materials may be remitted
28 37 to the public library and may be used by the public
28 38 library for the purchase of books and other library
28 39 materials or equipment, or for the provision of library
28 40 services.

28 41 Sec. 50. Section 256.51, subsection 1, paragraph d,
28 42 Code 2011, is amended to read as follows:

28 43 d. Develop, in consultation with the ~~library~~
~~28 44 service areas and the area education agency media~~
28 45 centers, a biennial unified plan of service and service
28 46 delivery for the division of ~~libraries and information~~
~~28 47 library~~ services.

28 48 Sec. 51. Section 256.51, subsection 1, paragraph j,
28 49 Code 2011, is amended to read as follows:

28 50 j. Establish and administer standards for state



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1731 continued

29 1 agency libraries, ~~the library service areas,~~ and public
29 2 libraries.

29 3 Sec. 52. Section 256.51, subsection 1, paragraph k,
29 4 Code 2011, is amended by striking the paragraph.

29 5 Sec. 53. Section 256.51, subsection 2, paragraph c,
29 6 Code 2011, is amended to read as follows:

29 7 c. Accept gifts, contributions, bequests,
29 8 endowments, or other moneys, including but not limited
29 9 to the Westgate endowment fund, for any or all purposes
29 10 of the division. Interest earned on moneys accepted
29 11 under this paragraph shall be credited to the fund
29 12 or funds to which the gifts, contributions, bequests,
29 13 endowments, or other moneys have been deposited, and
29 14 is available for any or all purposes of the division.

29 15 The division shall report annually to the ~~director~~

~~29 16 commission~~ and the general assembly regarding the
29 17 gifts, contributions, bequests, endowments, or other
29 18 moneys accepted pursuant to this paragraph and the
29 19 interest earned on them.

29 20 Sec. 54. Section 256.52, subsection 1, Code 2011,
29 21 is amended to read as follows:

29 22 1. a. The state commission of libraries consists
29 23 of one member appointed by the supreme court, the
29 24 director of the department of education, or the
29 25 director's designee, and ~~six~~ the following seven
29 26 members who shall be appointed by the governor to serve
29 27 four-year terms beginning and ending as provided in
29 28 section 69.19. ~~The governor's appointees shall~~

29 29 (1) Two members shall be employed in the state as
29 30 public librarians.

29 31 (2) One member shall be a public library trustee.

29 32 (3) One member shall be employed in this state as
29 33 an academic librarian.

29 34 (4) One member shall be employed as a librarian by
29 35 a school district or area education agency.

29 36 (5) Two members shall be selected at large.

29 37 b. The members shall be reimbursed for their actual
29 38 expenditures necessitated by their official duties.

29 39 Members may also be eligible for compensation as
29 40 provided in section 7E.6.

29 41 Sec. 55. Section 256.52, subsection 3, paragraph
29 42 b, subparagraphs (1) and (4), Code 2011, are amended
29 43 to read as follows:

29 44 (1) ~~Direct and organize the activities of~~ Organize,
29 45 staff, and administer the division so as to render the
29 46 greatest benefit to libraries in the state.

29 47 (4) Appoint and approve the technical,
29 48 professional, ~~excepting the law librarian,~~ secretarial,
29 49 and clerical staff necessary to accomplish the purposes
29 50 of the division subject to chapter 8A, subchapter IV.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1731 continued

30 1 Sec. 56. Section 256.52, subsection 3, paragraph
30 2 b, Code 2011, is amended by adding the following new
30 3 subparagraph:
30 4 NEW SUBPARAGRAPH. (4A) (a) Assume all of the
30 5 outstanding obligations of the library service
30 6 areas and be liable for and recognize, assume, and
30 7 carry out all valid contracts and obligations of the
30 8 library service areas that are consolidated under the
30 9 commission and administered by the division effective
30 10 beginning July 1, 2011. Each library service area
30 11 shall transfer, prior to July 1, 2011, its state=funded
30 12 assets and title to any state=funded real estate owned
30 13 by the library service area to the state librarian.
30 14 (b) This subparagraph is repealed July 1, 2015.
30 15 Sec. 57. Section 256.52, subsection 5, Code 2011,
30 16 is amended to read as follows:
30 17 5. The commission shall receive and approve the
30 18 budget and unified plan of service submitted by the
30 19 ~~division of libraries and information services.~~
30 20 Sec. 58. Section 256.54, subsection 1, Code 2011,
30 21 is amended to read as follows:
30 22 1. The state library includes but is not limited
30 23 to ~~a law library~~ the library support network, the
30 24 specialized library services unit, and the state data
30 25 center. The law library shall be under the direction
30 26 of the specialized library services unit.
30 27 Sec. 59. Section 256.54, subsection 2, unnumbered
30 28 paragraph 1, Code 2011, is amended to read as follows:
30 29 The law library shall be administered by a law
30 30 librarian appointed by the ~~director~~ state librarian
30 31 subject to chapter 8A, subchapter IV, who shall do all
30 32 of the following:
30 33 Sec. 60. Section 256.55, unnumbered paragraph 1,
30 34 Code 2011, is amended to read as follows:
30 35 A state data center is established in the ~~department~~
30 36 ~~of education division.~~ The state data center shall be
30 37 administered by the state data center coordinator, who
30 38 shall do all of the following:
30 39 Sec. 61. NEW SECTION. 256.58 Library support
30 40 network.
30 41 1. A library support network is established in the
30 42 division to offer services and programs for libraries,
30 43 including but not limited to individualized, locally
30 44 delivered consulting and training, and to facilitate
30 45 resource sharing and innovation through the use of
30 46 technology, administer enrich Iowa programs, advocate
30 47 for libraries, promote excellence and innovation in
30 48 library services, encourage governmental subdivisions
30 49 to provide local financial support for local libraries,
30 50 and ensure the consistent availability of quality



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1731 continued

31 1 service to all libraries throughout the state,
31 2 regardless of location or size.
31 3 2. The organizational structure to deliver library
31 4 support network services shall include district
31 5 offices. The district offices shall serve as a basis
31 6 for providing field services to local libraries in the
31 7 counties comprising the district. The division shall
31 8 determine which counties are served by each district
31 9 office.
31 10 Sec. 62. NEW SECTION. 256.59 Specialized library
31 11 services.
31 12 The specialized library services unit is established
31 13 in the division to provide information services to the
31 14 three branches of state government and to offer focused
31 15 information services to the general public in the areas
31 16 of Iowa law, Iowa state documents, and Iowa history and
31 17 culture.
31 18 Sec. 63. NEW SECTION. 256.62 Library services
31 19 advisory panel.
31 20 1. The state librarian shall convene a library
31 21 services advisory panel to advise and recommend to
31 22 the commission and the division evidence-based best
31 23 practices, to assist the commission and division to
31 24 determine service priorities and launch programs,
31 25 articulate the needs and interests of Iowa librarians,
31 26 and share research and professional development
31 27 information.
31 28 2. The library services advisory panel shall
31 29 consist of no fewer than eleven members representing
31 30 libraries of all sizes and types, and various
31 31 population levels and geographic regions of the
31 32 state. A simple majority of the members appointed
31 33 shall be appointed by the executive board of the Iowa
31 34 library association and the remaining members shall be
31 35 appointed by the state librarian. Terms of members
31 36 shall begin and end as provided in section 69.19. Any
31 37 vacancy shall be filled in the same manner as regular
31 38 appointments are made for the unexpired portion of the
31 39 regular term. Members shall serve four-year terms
31 40 which are staggered at the discretion of the state
31 41 librarian. A member is eligible for reappointment for
31 42 three successive terms. The members shall elect a
31 43 chairperson annually.
31 44 3. The library services advisory panel shall
31 45 meet at least twice annually and shall submit its
31 46 recommendations in a report to the commission and the
31 47 state librarian at least once annually. The report
31 48 shall be timely submitted to allow for consideration
31 49 of the recommendations prior to program planning and
31 50 budgeting for the following fiscal year.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1731 continued

32 1 4. Members of the library services advisory panel
32 2 shall receive actual and necessary expenses incurred
32 3 in the performance of their duties. Expenses shall
32 4 be paid from funds appropriated to the department for
32 5 purposes of the division.

32 6 Sec. 64. Section 256.70, unnumbered paragraph 1,
32 7 Code 2011, is amended to read as follows:

32 8 The division of ~~libraries and information~~ library
32 9 services of the department of education is hereby
32 10 authorized to enter into interstate library compacts on
32 11 behalf of the state of Iowa with any state bordering on
32 12 Iowa which legally joins therein in substantially the
32 13 following form and the contracting states agree that:

32 14 Sec. 65. Section 256.71, Code 2011, is amended to
32 15 read as follows:

32 16 256.71 Administrator.

32 17 The administrator of the division of ~~libraries and~~
32 18 ~~information~~ library services shall be the compact

32 19 administrator. The compact administrator shall
32 20 receive copies of all agreements entered into by the
32 21 state or its political subdivisions and other states
32 22 or political subdivisions; consult with, advise and
32 23 aid such governmental units in the formulation of
32 24 such agreements; make such recommendations to the
32 25 governor, legislature, governmental agencies and units
32 26 as the administrator deems desirable to effectuate the
32 27 purposes of this compact and consult and ~~co-operate~~
32 28 ~~cooperate~~ with the compact administrators of other
32 29 party states.

32 30 Sec. 66. Section 273.2, subsection 4, Code 2011, is
32 31 amended to read as follows:

32 32 4. The area education agency board shall provide
32 33 for special education services and media services
32 34 for the local school districts in the area and shall
32 35 encourage and assist school districts in the area to
32 36 establish programs for gifted and talented children.
32 37 The board shall assist in facilitating interlibrary
32 38 loans of materials between school districts and other
32 39 libraries. ~~Each area education agency shall include~~
32 40 ~~as a member of its media center advisory committee a~~
32 41 ~~library service area trustee or library service area~~
32 42 ~~staff member, who is appointed to the committee by the~~
32 43 ~~commission of libraries.~~

32 44 Sec. 67. Section 669.2, subsection 5, Code 2011, is
32 45 amended to read as follows:

32 46 5. "State agency" includes all executive
32 47 departments, agencies, boards, bureaus, and commissions
32 48 of the state of Iowa, and corporations whose
32 49 primary function is to act as, and while acting as,
32 50 instrumentalities or agencies of the state of Iowa,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1731 continued

33 1 whether or not authorized to sue and be sued in
33 2 their own names. This definition does not include a
33 3 contractor with the state of Iowa. Soil and water
33 4 conservation districts as defined in section 161A.3,
33 5 subsection 6, and judicial district departments
33 6 of correctional services as established in section
33 7 905.2, and library service area boards of trustees
~~33 8 as established in chapter 256~~ are state agencies for
33 9 purposes of this chapter.

33 10 Sec. 68. Section 904.601, unnumbered paragraph 1,
33 11 Code 2011, is amended to read as follows:

33 12 The director shall keep the following record of
33 13 every person committed to any of the department's
33 14 institutions: Name, residence, sex, age, place of
33 15 birth, occupation, civil condition, date of entrance
33 16 or commitment, date of discharge, whether a discharge
33 17 is final, condition of the person when discharged,
33 18 the name of the institutions from which and to which
33 19 the person has been transferred, and if the person
33 20 is dead, the date and cause of death. The director
33 21 may permit the division of ~~libraries and information~~

~~33 22 library~~ services of the department of education and
33 23 the historical division of the department of cultural
33 24 affairs to copy or reproduce by any photographic,
33 25 photostatic, microfilm, microcard, or other process
33 26 which accurately reproduces in a durable medium and to
33 27 destroy in the manner described by law the records of
33 28 inmates required by this paragraph.

33 29 Sec. 69. REPEAL. Sections 256.60, 256.61, 256.66
33 30 through 256.68, Code 2011, are repealed.

33 31 Sec. 70. TRANSITION PROVISION. A governor's
33 32 appointee serving on the state commission of libraries
33 33 on the effective date of this Act shall continue
33 34 to serve as a member of the commission until the
33 35 appointee's term expires.

33 36 Sec. 71. LIBRARY SERVICE AREA EMPLOYEES ==== LENGTH
33 37 OF SERVICE ==== TRANSFER OF PERSONNEL RECORDS.

33 38 1. The length of service of a permanent employee
33 39 of a library service area who is employed by a library
33 40 service area on June 30, 2011, and who is hired by the
33 41 division of library services on or after July 1, 2011,
33 42 shall be prorated and credited as state employment
33 43 service for purposes of vacation and sick leave
33 44 accrual.

33 45 2. The area administrator of each library service
33 46 area shall submit to the division of library services
33 47 the personnel records of each permanent full-time
33 48 employee of the library service area by July 1, 2011.

33 49 Sec. 72. EFFECTIVE UPON ENACTMENT. The section
33 50 of this division of this Act enacting section 256.52,



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

House Amendment 1731 continued

34 1 subsection 3, paragraph "b", subparagraph (4A), being
34 2 deemed of immediate importance, takes effect upon
34 3 enactment.

34 4 DIVISION III

34 5 PATHWAYS FOR ACADEMIC CAREER AND EMPLOYMENT PROGRAM

34 6 Sec. 73. Section 260C.18A, subsection 2, Code 2011,
34 7 is amended by adding the following new paragraphs:

34 8 NEW PARAGRAPH. g. Development and implementation
34 9 of pathways for academic career and employment programs
34 10 under chapter 260H.

34 11 NEW PARAGRAPH. h. Development and implementation
34 12 of programs for the gap tuition assistance program
34 13 under chapter 260I.

34 14 NEW PARAGRAPH. i. Entrepreneurial education, small
34 15 business assistance, and business incubators.

34 16 Sec. 74. NEW SECTION. 260H.1 Title.

34 17 This chapter shall be known and may be cited as the
34 18 "Pathways for Academic Career and Employment Act".

34 19 Sec. 75. NEW SECTION. 260H.2 Pathways for academic
34 20 career and employment program.

34 21 A pathways for academic career and employment
34 22 program is established to provide funding to
34 23 community colleges for the development of projects
34 24 in coordination with the department of economic
34 25 development, the department of education, Iowa
34 26 workforce development, regional advisory boards
34 27 established pursuant to section 84A.4, and community
34 28 partners to implement a simplified, streamlined, and
34 29 comprehensive process, along with customized support
34 30 services, to enable eligible participants to acquire
34 31 effective academic and employment training to secure
34 32 gainful, quality, in-state employment.

34 33 Sec. 76. NEW SECTION. 260H.3 Eligibility criteria.

34 34 1. Projects eligible for funding for the pathways
34 35 for academic career and employment program shall be
34 36 projects that further the ability of members of target
34 37 populations to secure gainful, quality employment.
34 38 For the purposes of this chapter, "target population"
34 39 includes:

34 40 a. Persons deemed low skilled for the purposes of
34 41 attaining gainful, quality, in-state employment.

34 42 b. Persons earning incomes at or below two hundred
34 43 percent of the federal poverty level as defined by
34 44 the most recently revised poverty income guidelines
34 45 published by the United States department of health and
34 46 human services.

34 47 c. Unemployed persons.

34 48 d. Underemployed persons.

34 49 e. Dislocated workers, including workers eligible
34 50 for services and benefits under the federal Trade



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1731 continued

35 1 Adjustment Act of 2002, Pub. L. No. 107=210, as
35 2 determined by the department of workforce development
35 3 and the federal internal revenue service.
35 4 2. Projects eligible for funding for the pathways
35 5 for academic career and employment program shall
35 6 be projects that further partnerships that link
35 7 the community colleges to industry and nonprofit
35 8 organizations and projects that further program
35 9 outcomes as provided in section 260H.4.
35 10 Sec. 77. NEW SECTION. 260H.4 Program outcomes.
35 11 Projects eligible for funding for the pathways
35 12 for academic career and employment program shall be
35 13 programs which further the following program outcomes:
35 14 1. Enabling the target populations to:
35 15 a. Acquire and demonstrate competency in basic
35 16 skills.
35 17 b. Acquire and demonstrate competency in a
35 18 specified technical field.
35 19 c. Complete a specified level of postsecondary
35 20 education.
35 21 d. Earn a national career readiness certificate.
35 22 e. Obtain employer=validated credentials.
35 23 f. Secure gainful employment in high=quality, local
35 24 jobs.
35 25 2. Satisfaction of economic and employment goals
35 26 including but not limited to:
35 27 a. Economic and workforce development requirements
35 28 in each region served by the community colleges
35 29 as defined by regional advisory boards established
35 30 pursuant to section 84A.4.
35 31 b. Needs of industry partners in areas including
35 32 but not limited to:
35 33 (1) Information technology.
35 34 (2) Health care.
35 35 (3) Advanced manufacturing.
35 36 (4) Transportation and logistics.
35 37 c. Any other industry designated as in=demand by a
35 38 regional advisory board established pursuant to section
35 39 84A.4.
35 40 Sec. 78. NEW SECTION. 260H.5 Program component
35 41 requirements.
35 42 Program components of a pathways for academic career
35 43 and employment project implemented at a community
35 44 college shall:
35 45 1. Include measurable and effective recruitment,
35 46 assessment, and referral activities designed for the
35 47 target populations.
35 48 2. Integrate basics skills and work=readiness
35 49 training with occupational skills training.
35 50 3. Combine customized supportive and case



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

House Amendment 1731 continued

36 1 management services with training services to help
36 2 participants overcome barriers to employment.
36 3 4. Provide training services at times, locations,
36 4 and through multiple, flexible modalities that are
36 5 easily understood and readily accessible to the
36 6 target populations. Such modalities shall support
36 7 timeless entry, individualized learning, and flexible
36 8 scheduling, and may include online remediation,
36 9 learning lab and cohort learning communities, tutoring,
36 10 and modularization.
36 11 Sec. 79. NEW SECTION. 260H.6 Pipeline program.
36 12 Each community college receiving funding for the
36 13 pathways for academic career and employment program
36 14 shall develop a pipeline program in order to better
36 15 serve the academic, training, and employment needs of
36 16 the target populations. A pipeline program shall have
36 17 the following goals:
36 18 1. To strengthen partnerships with community-based
36 19 organizations and industry representatives.
36 20 2. To improve and simplify the identification,
36 21 recruitment, and assessment of qualified participants.
36 22 3. To conduct and manage an outreach, recruitment,
36 23 and intake process, along with accompanying support
36 24 services, reflecting sensitivity to the time and
36 25 financial constraints and remediation needs of the
36 26 target populations.
36 27 4. To conduct orientations for qualified
36 28 participants to describe regional labor market
36 29 opportunities, employer partners, and program
36 30 requirements and expectations.
36 31 5. To describe the concepts of the project
36 32 implemented with funds from the pathways for academic
36 33 career and employment program and the embedded
36 34 educational and support resources available through
36 35 such project.
36 36 6. To outline the basic skills participants will
36 37 learn and describe the credentials participants will
36 38 earn.
36 39 7. To describe success milestones and ways in which
36 40 temporal and instructional barriers have been minimized
36 41 or eliminated.
36 42 8. To review how individualized and customized
36 43 service strategies for participants will be developed
36 44 and provided.
36 45 Sec. 80. NEW SECTION. 260H.7 Career pathways and
36 46 bridge curriculum development program.
36 47 Each community college receiving funding for the
36 48 pathways for academic career and employment program
36 49 shall develop a career pathways and bridge curriculum
36 50 development program in order to better serve the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

House Amendment 1731 continued

37 1 academic, training, and employment needs of the target
37 2 populations. A career pathways and bridge curriculum
37 3 development program shall have the following goals:
37 4 1. The articulation of courses and modules, the
37 5 mapping of programs within career pathways, and
37 6 establishment of bridges between credit and noncredit
37 7 programs.

37 8 2. The integration and contextualization of
37 9 basic skills education and skills training. This
37 10 process shall provide for seamless progressions
37 11 between adult basic education and general education
37 12 development programs and continuing education and
37 13 credit certificate, diploma, and degree programs.

37 14 3. The development of career pathways that support
37 15 the attainment of industry-recognized credentials,
37 16 diplomas, and degrees through stackable, modularized
37 17 program delivery.

37 18 Sec. 81. NEW SECTION. 260H.8 Rules.

37 19 The department of education, in consultation with
37 20 the community colleges, the department of economic
37 21 development, and Iowa workforce development, shall
37 22 adopt rules pursuant to chapter 17A and this chapter
37 23 to implement the provisions of this chapter. Regional
37 24 advisory boards established pursuant to section
37 25 84A.4 shall be consulted in the development and
37 26 implementation of rules to be adopted pursuant to this
37 27 chapter.

37 28 Sec. 82. NEW SECTION. 260I.1 Title.

37 29 This chapter shall be known and may be cited as the
37 30 "Gap Tuition Assistance Act".

37 31 Sec. 83. NEW SECTION. 260I.2 Gap tuition
37 32 assistance program.

37 33 A gap tuition assistance program is established to
37 34 provide funding to community colleges for need-based
37 35 tuition assistance to applicants to enable completion
37 36 of continuing education certificate training programs
37 37 for in-demand occupations.

37 38 Sec. 84. NEW SECTION. 260I.3 Applicants for
37 39 tuition assistance === eligibility criteria.

37 40 1. The department of education, in consultation
37 41 with the department of economic development, shall
37 42 adopt rules pursuant to this chapter defining
37 43 eligibility criteria for persons applying to receive
37 44 tuition assistance under this chapter.

37 45 2. Eligibility for tuition assistance under this
37 46 chapter shall be based on financial need. Criteria to
37 47 be assessed in determining financial need shall include
37 48 but is not limited to:

37 49 a. The applicant's family income for the twelve
37 50 months prior to the date of application.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1731 continued

38 1 b. The applicant's family size.
38 2 c. The applicant's county of residence.
38 3 3. a. An applicant for tuition assistance under
38 4 this chapter must have a demonstrated capacity to
38 5 achieve the following outcomes:
38 6 (1) The ability to complete an eligible certificate
38 7 program.
38 8 (2) The ability to enter a postsecondary
38 9 certificate, diploma, or degree program for credit.
38 10 (3) The ability to gain full-time employment.
38 11 (4) The ability to maintain full-time employment
38 12 over time.
38 13 b. The community college receiving the application
38 14 shall only approve an applicant for tuition assistance
38 15 under this chapter if the community college determines
38 16 the applicant has a strong likelihood of achieving the
38 17 outcomes described in paragraph "a" after considering
38 18 factors including but not limited to:
38 19 (1) Barriers that may prevent an applicant from
38 20 completing the certificate program.
38 21 (2) Barriers that may prevent an applicant from
38 22 gaining employment in an in-demand occupation.
38 23 4. Applicants may be found eligible for partial or
38 24 total tuition assistance.
38 25 5. Tuition assistance shall not be approved when
38 26 the community college receiving the application
38 27 determines that funding for an applicant's
38 28 participation in an eligible certificate program is
38 29 available from any other public or private funding
38 30 source.
38 31 Sec. 85. NEW SECTION. 260I.4 Applicants for
38 32 tuition assistance ==== additional provisions.
38 33 1. An applicant for tuition assistance under
38 34 this chapter shall provide to the community college
38 35 receiving the application documentation of all sources
38 36 of income.
38 37 2. Only an applicant eligible to work in the United
38 38 States shall be approved for tuition assistance under
38 39 this chapter.
38 40 3. An application shall be valid for six months
38 41 from the date of signature on the application.
38 42 4. A person shall not be approved for tuition
38 43 assistance under this chapter for more than one
38 44 eligible certificate program.
38 45 5. Eligibility for tuition assistance under this
38 46 chapter shall not be construed to guarantee enrollment
38 47 in any community college certificate program.
38 48 6. Eligibility for tuition assistance under this
38 49 chapter shall be limited to persons earning incomes at
38 50 or below two hundred percent of the federal poverty



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1731 continued

39 1 level as defined by the most recently revised poverty
39 2 income guidelines published by the United States
39 3 department of health and human services.
39 4 Sec. 86. NEW SECTION. 260I.5 Eligible costs.
39 5 Costs of a certificate program eligible for coverage
39 6 by tuition assistance shall include but are not limited
39 7 to:
39 8 1. Tuition.
39 9 2. Direct training costs.
39 10 3. Required books and equipment.
39 11 4. Fees including but not limited to fees for
39 12 industry testing services and background check testing
39 13 services.
39 14 Sec. 87. NEW SECTION. 260I.6 Eligible certificate
39 15 programs.
39 16 For the purposes of this chapter, "eligible
39 17 certificate program" means a program meeting all of the
39 18 following criteria:
39 19 1. The program is not offered for credit, but is
39 20 aligned with a certificate, diploma, or degree for
39 21 credit, and does any of the following:
39 22 a. Offers a state, national, or locally recognized
39 23 certificate.
39 24 b. Offers preparation for a professional
39 25 examination or licensure.
39 26 c. Provides endorsement for an existing credential
39 27 or license.
39 28 d. Represents recognized skill standards defined by
39 29 an industrial sector.
39 30 e. Offers a similar credential or training.
39 31 2. The program offers training or a credential in
39 32 an in=demand occupation. For the purposes of this
39 33 chapter, "in=demand occupation" includes occupations in
39 34 the following industries:
39 35 a. Information technology.
39 36 b. Health care.
39 37 c. Advanced manufacturing.
39 38 d. Transportation and logistics.
39 39 e. Any other industry designated as in=demand by a
39 40 regional advisory board established pursuant to section
39 41 84A.4.
39 42 Sec. 88. NEW SECTION. 260I.7 Initial assessment.
39 43 An applicant for tuition assistance under this
39 44 chapter shall complete an initial assessment
39 45 administered by the community college receiving the
39 46 application to determine the applicant's readiness
39 47 to complete an eligible certificate program. The
39 48 assessment shall include assessments for completion of
39 49 a national career readiness certificate, including the
39 50 areas of reading for information, applied mathematics,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1731 continued

40 1 and locating information. An applicant must achieve a
40 2 bronze=level certificate or the minimum score required
40 3 for an eligible certificate program, whichever is
40 4 higher, in order to be approved for tuition assistance.
40 5 An applicant shall complete any additional assessments
40 6 and occupational research required by an eligible
40 7 certificate program.

40 8 Sec. 89. NEW SECTION. 260I.8 Program interview.

40 9 An applicant for tuition assistance under this
40 10 chapter shall meet with a member of the staff for
40 11 an eligible certificate program offered by the
40 12 community college receiving the application. The
40 13 staff member shall discuss the relevant industry, any
40 14 applicable occupational research, and any applicable
40 15 training relating to the eligible certificate program.
40 16 The discussion shall include an evaluation of the
40 17 applicant's capabilities, needs, family situation,
40 18 work history, educational background, attitude and
40 19 motivation, employment skills, vocational potential,
40 20 and employment barriers. The discussion shall also
40 21 include potential start dates, support needs, and other
40 22 requirements for an eligible certificate program.

40 23 Sec. 90. NEW SECTION. 260I.9 Participation
40 24 requirements.

40 25 1. A participant in an eligible certificate program
40 26 who receives tuition assistance pursuant to this
40 27 chapter shall do all of the following:

40 28 a. Maintain regular contact with staff members for
40 29 the certificate program to document the applicant's
40 30 progress in the program.

40 31 b. Sign a release form to provide relevant
40 32 information to community college faculty or case
40 33 managers.

40 34 c. Discuss with staff members for the certificate
40 35 program any issues that may impact the participant's
40 36 ability to complete the certificate program, obtain
40 37 employment, and maintain employment over time.

40 38 d. Attend all required courses regularly.

40 39 e. Meet with staff members for the certificate
40 40 program to develop a job search plan.

40 41 2. A community college may terminate tuition
40 42 assistance for a participant who fails to meet the
40 43 requirements of this section.

40 44 Sec. 91. NEW SECTION. 260I.10 Oversight.

40 45 1. The department of education, in coordination
40 46 with the community colleges, shall establish a steering
40 47 committee. The steering committee shall determine if
40 48 the performance measures of the gap tuition assistance
40 49 program are being met and shall take necessary steps
40 50 to correct any deficiencies. The steering committee



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

House Amendment 1731 continued

41 1 shall meet at least quarterly to evaluate and monitor
41 2 the performance of the gap tuition assistance program.
41 3 2. The department of education, in coordination
41 4 with the community colleges, shall develop a common
41 5 intake tracking system that shall be implemented
41 6 consistently by each participating community college.
41 7 3. The department of education shall coordinate
41 8 statewide oversight, evaluation, and reporting efforts
41 9 for the gap tuition assistance program.
41 10 Sec. 92. NEW SECTION. 260I.11 Rules.
41 11 The department of education, in consultation
41 12 with the department of economic development and
41 13 the community colleges, shall adopt rules pursuant
41 14 to chapter 17A and this chapter to implement the
41 15 provisions of this chapter.>
41 16 #2. By renumbering as necessary.
HF645.3234.S (1) 84
jh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1732

PAG LIN

1 1 Amend House File 649, as amended, passed, and
1 2 reprinted by the House, as follows:
1 3 #1. Page 1, line 19, by striking <9,852,577> and
1 4 inserting <10,302,577>
1 5 #2. Page 1, after line 29 by inserting:
1 6 <1A. The amount appropriated in this section
1 7 includes additional funding of \$450,000 for delivery of
1 8 long-term care services to seniors with low or moderate
1 9 incomes.>
1 10 #3. Page 2, line 35, by striking <20,703,190> and
1 11 inserting <25,703,190>
1 12 #4. Page 3, by striking lines 2 through 11 and
1 13 inserting:
1 14 <a. (1) Of the funds appropriated in this
1 15 subsection, \$5,453,830 shall be used for the tobacco
1 16 use prevention and control initiative, including
1 17 efforts at the state and local levels, as provided in
1 18 chapter 142A.
1 19 (2) Of the funds allocated in this paragraph
1 20 "a", \$453,830 shall be transferred to the alcoholic
1 21 beverages division of the department of commerce
1 22 for enforcement of tobacco laws, regulations, and
1 23 ordinances in accordance with 2011 Iowa Acts, House
1 24 File 467, as enacted.>
1 25 #5. Page 6, line 16, by striking <2,601,905> and
1 26 inserting <2,594,270>
1 27 #6. Page 6, line 17, by striking <10.00> and
1 28 inserting <11.00>
1 29 #7. Page 6, line 25, by striking <287,520> and
1 30 inserting <329,885>
1 31 #8. Page 6, line 30, after <children.> by inserting
1 32 <A portion of the funds allocated in this lettered
1 33 paragraph may be used for a full-time equivalent
1 34 position to coordinate the activities under this
1 35 paragraph.>
1 36 #9. Page 7, by striking lines 8 through 14.
1 37 #10. Page 7, line 19, by striking <3,262,256> and
1 38 inserting <3,399,156>
1 39 #11. Page 7, line 20, by striking <4.00> and
1 40 inserting <5.00>
1 41 #12. Page 7, line 21, by striking <136,808> and
1 42 inserting <160,582>
1 43 #13. Page 7, line 25, by striking <383,600> and
1 44 inserting <483,600>
1 45 #14. Page 7, line 32, by striking <468,874> and
1 46 inserting <498,874>
1 47 #15. Page 8, line 6, by striking <755,791> and
1 48 inserting <788,303>
1 49 #16. Page 8, line 8, by striking <711,052> and
1 50 inserting <547,065>



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

House Amendment 1732 continued

2 1 #17. Page 8, line 12, by striking <363,987> and
2 2 inserting <200,000>
2 3 #18. Page 8, line 18, by striking <421,782> and
2 4 inserting <528,834>
2 5 #19. Page 8, line 20, after <disorders.> by
2 6 inserting <A portion of the funds allocated in this
2 7 paragraph may be used for one full-time equivalent
2 8 position for administration of the center.>
2 9 #20. Page 8, line 28, by striking <3,677,659> and
2 10 inserting <4,826,699>
2 11 #21. Page 9, line 32, after <designated> by
2 12 inserting <. The following amounts allocated under
2 13 this lettered paragraph shall be distributed to
2 14 the specified provider and shall not be reduced for
2 15 administrative or other costs prior to distribution>
2 16 #22. Page 9, line 33, by striking <Iowa=Nebraska>
2 17 and inserting <Iowa>
2 18 #23. Page 10, line 1, by striking <116,597> and
2 19 inserting <132,580>
2 20 #24. Page 10, after line 1 by inserting:
2 21 <(1A) For distribution to the Iowa family planning
2 22 network agencies for necessary infrastructure,
2 23 statewide coordination, provider recruitment, service
2 24 delivery, and provision of assistance to patients in
2 25 determining an appropriate medical home:
2 26 \$ 74,517>
2 27 #25. Page 10, line 5, by striking <68,332> and
2 28 inserting <74,517>
2 29 #26. Page 10, line 9, by striking <68,332> and
2 30 inserting <74,517>
2 31 #27. Page 10, line 14, by striking <113,754> and
2 32 inserting <124,050>
2 33 #28. Page 10, line 19, by striking <101,264> and
2 34 inserting <110,430>
2 35 #29. Page 10, line 23, by striking <238,420> and
2 36 inserting <260,000>
2 37 #30. Page 10, line 27, by striking <247,590> and
2 38 inserting <270,000>
2 39 #31. By striking page 10, line 32, through page 11,
2 40 line 5, and inserting:
2 41 <h. (1) Of the funds appropriated in this
2 42 subsection, \$149,000 shall be used for continued
2 43 implementation of the recommendations of the direct
2 44 care worker task force established pursuant to 2005
2 45 Iowa Acts, chapter 88, based upon the report submitted
2 46 to the governor and the general assembly in December
2 47 2006. The department may use a portion of the funds
2 48 allocated in this lettered paragraph for an additional
2 49 position to assist in the continued implementation.
2 50 (2) It is the intent of the general assembly that



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

House Amendment 1732 continued

3 1 a board of direct care workers shall be established
3 2 within the department of public health by July 1, 2014,
3 3 contingent upon the availability of funds to establish
3 4 and maintain the board.
3 5 (3) The direct care worker advisory council
3 6 shall submit a final report no later than March 1,
3 7 2012, to the governor and the general assembly, in
3 8 accordance with 2010 Iowa Acts, chapter 1192, section
3 9 2, subsection 4, paragraph "h", subparagraph (3).
3 10 (4) The department of public health shall report to
3 11 the persons designated in this Act for submission of
3 12 reports regarding use of the funds allocated in this
3 13 lettered paragraph, on or before January 15, 2012.
3 14 i. (1) Of the funds appropriated in this
3 15 subsection, \$130,100 shall be used for allocation to an
3 16 independent statewide direct care worker association
3 17 for education, outreach, leadership development,
3 18 mentoring, and other initiatives intended to enhance
3 19 the recruitment and retention of direct care workers in
3 20 health care and long-term care settings.
3 21 (2) Of the funds appropriated in this subsection,
3 22 \$58,000 shall be used to provide scholarships or
3 23 other forms of subsidization for direct care worker
3 24 educational conferences, training, or outreach
3 25 activities.>
3 26 #32. Page 11, after line 13 by inserting:
3 27 <k. Of the funds appropriated in this subsection,
3 28 \$50,000 shall be used for a matching dental education
3 29 loan repayment program to be allocated to a dental
3 30 nonprofit health service corporation to develop the
3 31 criteria and implement the loan repayment program.
3 32 l. Of the funds appropriated in this subsection, up
3 33 to \$134,214 shall be used to support the department's
3 34 activities relating to health and long-term care access
3 35 as specified pursuant to chapter 135, division XXIV.
3 36 m. Of the funds appropriated in this subsection,
3 37 \$363,987 shall be used as state matching funds for the
3 38 health information network as enacted by this Act.
3 39 n. Of the funds appropriated in this subsection,
3 40 \$25,000 shall be used for a pilot program established
3 41 through a grant to an organization that has an
3 42 existing program for children and adults and that is
3 43 solely dedicated to preserving sight and preventing
3 44 blindness to provide vision screening to elementary
3 45 school children in one urban and one rural school
3 46 district in the state, on a voluntary basis, over a
3 47 multiyear period. The grantee organization shall
3 48 develop protocol for participating schools including
3 49 the grade level of the children to be screened, the
3 50 training and certification necessary for individuals



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

House Amendment 1732 continued

4 1 conducting the vision screening, vision screening
4 2 equipment requirements, and documentation and tracking
4 3 requirements. Following the conclusion of the pilot
4 4 program, the grantee organization shall report findings
4 5 and recommendations for statewide implementation of the
4 6 vision screening program to the department of public
4 7 health.>
4 8 o. The department of public health in collaboration
4 9 with other appropriate state agencies shall review
4 10 state regulatory oversight provisions relating to
4 11 outpatient surgical facilities including ambulatory
4 12 surgical centers, hospice programs, assisted living
4 13 programs, and home health agencies, and shall submit
4 14 recommendations to the persons designated in this Act
4 15 for submission of reports by December 15, 2011, to
4 16 improve quality of care for consumers and to increase
4 17 regulatory compliance by such entities.
4 18 #33. Page 11, line 19, by striking <7,297,142> and
4 19 inserting <7,336,142>
4 20 #34. Page 11, line 22, by striking <5,287,955> and
4 21 inserting <5,326,955>
4 22 #35. Page 12, line 7, by striking <2,906,532> and
4 23 inserting <2,778,688>
4 24 #36. Page 12, after line 24 by inserting:
4 25 <d. Of the funds appropriated in this subsection,
4 26 \$50,000 shall be used for education, testing, training,
4 27 and other costs to conform the requirements for
4 28 certification of emergency medical care providers with
4 29 national standards.>
4 30 #37. Page 12, by striking lines 25 through 30.
4 31 #38. Page 16, by striking lines 15 through 24 and
4 32 inserting:
4 33 <Pregnancy prevention grants shall be awarded
4 34 to programs in existence on or before July 1, 2011,
4 35 if the programs are comprehensive in scope and have
4 36 demonstrated positive outcomes. Grants shall be
4 37 awarded to pregnancy prevention programs which are
4 38 developed after July 1, 2011, if the programs are
4 39 comprehensive in scope and are based on existing models
4 40 that have demonstrated positive outcomes. Grants
4 41 shall comply with the requirements provided in 1997
4 42 Iowa Acts, chapter 208, section 14, subsections 1 and
4 43 2, including the requirement that grant programs must
4 44 emphasize sexual abstinence. Priority in the awarding
4 45 of grants shall be given to programs that serve areas
4 46 of the state which demonstrate the highest percentage
4 47 of unplanned pregnancies of females of childbearing age
4 48 within the geographic area to be served by the grant.>
4 49 #39. Page 23, line 27, by striking <897,237,190> and
4 50 inserting <878,216,915>



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1732 continued

5 1 #40. Page 23, by striking lines 28 through 34 and
5 2 inserting:
5 3 <1. Medically necessary abortions are those
5 4 performed under any of the following conditions:
5 5 a. The attending physician certifies that
5 6 continuing the pregnancy would endanger the life of the
5 7 pregnant woman.
5 8 b. The attending physician certifies that the
5 9 fetus is physically deformed, mentally deficient, or
5 10 afflicted with a congenital illness.
5 11 c. The pregnancy is the result of a rape which
5 12 is reported within 45 days of the incident to a law
5 13 enforcement agency or public or private health agency
5 14 which may include a family physician.
5 15 d. The pregnancy is the result of incest which
5 16 is reported within 150 days of the incident to a law
5 17 enforcement agency or public or private health agency
5 18 which may include a family physician.
5 19 e. Any spontaneous abortion, commonly known as a
5 20 miscarriage, if not all of the products of conception
5 21 are expelled.>
5 22 #41. By striking page 28, line 17, through page 29,
5 23 line 8, and inserting:
5 24 <___. a. The department may implement cost
5 25 containment strategies recommended by the governor, and
5 26 may adopt emergency rules for such implementation.
5 27 b. The department shall not implement the cost
5 28 containment strategy to require a primary care referral
5 29 for the provision of chiropractic services.
5 30 c. The department may increase the amounts
5 31 allocated for salaries, support, maintenance, and
5 32 miscellaneous purposes associated with the medical
5 33 assistance program, as necessary, to implement the cost
5 34 containment strategies. The department shall report
5 35 any such increase to the legislative services agency
5 36 and the department of management.
5 37 d. If the savings to the medical assistance
5 38 program exceed the cost, the department may transfer
5 39 any savings generated for the fiscal year due to
5 40 medical assistance program cost containment efforts
5 41 initiated pursuant to 2010 Iowa Acts, chapter 1031,
5 42 Executive Order No. 20, issued December 16, 2009, or
5 43 cost containment strategies initiated pursuant to
5 44 this subsection, to the appropriation made in this
5 45 division of this Act for medical contracts or general
5 46 administration to defray the increased contract costs
5 47 associated with implementing such efforts.
5 48 e. The department shall report the implementation
5 49 of any cost containment strategies under this
5 50 subsection to the individuals specified in this



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

House Amendment 1732 continued

6 1 division of this Act for submission of reports on a
6 2 quarterly basis.>
6 3 #42. Page 29, after line 12 by inserting:
6 4 <____. Of the funds appropriated in this section,
6 5 \$6,100,000 shall be used to reduce the waiting lists
6 6 of the medical assistance home and community-based
6 7 services waivers, including the waiver for persons with
6 8 intellectual disabilities for which the nonfederal
6 9 share is paid as state case services and other support
6 10 pursuant to section 331.440. The department shall
6 11 distribute the funding allocated under this subsection
6 12 proportionately among all home and community-based
6 13 services waivers.
6 14 _____. a. The department may submit medical
6 15 assistance program state plan amendments to the centers
6 16 for Medicare and Medicaid services of the United
6 17 States department of health and human services, and may
6 18 adopt administrative rules pursuant to chapter 17A to
6 19 implement any of the following if the respective state
6 20 plan amendment is approved:
6 21 (1) Health homes pursuant to section 2703 of the
6 22 federal Patient Protection and Affordable Care Act,
6 23 Pub. L. No. 111-148. The department shall collaborate
6 24 with the medical home system advisory council created
6 25 pursuant to section 135.159 in developing such health
6 26 homes.
6 27 (2) Accountable care organization pilot programs,
6 28 if such programs are advantageous to the medical
6 29 assistance program.
6 30 b. Any health home or accountable care organization
6 31 pilot program implemented pursuant to this subsection
6 32 shall demonstrate value to the state with a
6 33 positive return on investment within two years of
6 34 implementation, and may utilize care coordination fees,
6 35 pay-for-performance fees, or shared saving strategies
6 36 if approved as part of the state plan amendment.>
6 37 #43. Page 29, line 19, by striking <5,773,844> and
6 38 inserting <9,893,844>
6 39 #44. Page 29, line 20, before <The> by inserting
6 40 <1.>
6 41 #45. Page 29, after line 24 by inserting:
6 42 <2. Of the funds appropriated in this section,
6 43 \$150,000 shall be used for implementation of a
6 44 uniform cost report to be used in the development
6 45 of specified Medicaid reimbursement rates over a
6 46 multiyear timeframe. The department of human services,
6 47 in collaboration with affected providers, shall
6 48 finalize a uniform cost report that includes provider
6 49 type-specific cost schedules by December 15, 2011.
6 50 The uniform cost report shall be applied to providers



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

House Amendment 1732 continued

7 1 of home and community-based services waiver services,
7 2 habilitation services, case management services
7 3 and community mental health centers, residential
7 4 care facilities, psychiatric medical institutions
7 5 for children, and intermediate care facilities
7 6 for the mentally retarded in the development of
7 7 Medicaid reimbursement rates. The department shall
7 8 collaborate with affected Medicaid providers to test
7 9 the effectiveness of the cost report and determine
7 10 the fiscal impact of implementing the uniform cost
7 11 report during the fiscal year beginning July 1, 2012.
7 12 A report of the findings and fiscal impact shall be
7 13 submitted to the governor and the general assembly by
7 14 December 31, 2013. The rates paid in the fiscal year
7 15 beginning July 1, 2014, shall be established using
7 16 uniform cost reports submitted in the fiscal year
7 17 beginning July 1, 2012. Implementation of the uniform
7 18 cost report shall be limited to the extent of the
7 19 funding available.

7 20 3. a. Of the funds appropriated in this section,
7 21 \$100,000 shall be used for implementation of an
7 22 electronic medical record system, including system
7 23 purchase or development, for home and community-based
7 24 services providers and mental health services providers
7 25 that comply with the requirements of federal and state
7 26 laws and regulation by the fiscal year beginning July
7 27 1, 2013.

7 28 b. The department shall analyze the costs and
7 29 benefits of providing an electronic medical record and
7 30 billing system for home and community-based services
7 31 providers and mental health services providers that
7 32 comply with the requirements of federal and state laws
7 33 and regulation. The analysis shall include a review
7 34 of all of the following: including the capability for
7 35 an electronic medical record and billing system within
7 36 the procurement for the Medicaid management information
7 37 system, developing the system, and utilizing capacity
7 38 within the health information network established by
7 39 the department of public health as enacted in this
7 40 Act. If the analysis demonstrates that a program
7 41 may be implemented in a cost-effective manner and
7 42 within available funds, the department may take steps
7 43 to implement such a system. The department shall
7 44 report the results of the analysis, activities, and
7 45 recommendations to the persons designated in this
7 46 division of this Act for submission of reports by
7 47 December 15, 2011.

7 48 c. Notwithstanding section 8.33, funds allocated in
7 49 this subsection that remain unencumbered or unobligated
7 50 at the close of the fiscal year shall not revert but



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1732 continued

8 1 shall remain available in succeeding fiscal years to be
8 2 used for the purposes designated.
8 3 4. Of the amount appropriated in this section,
8 4 \$3,500,000 shall be used for technology upgrades
8 5 necessary to support Medicaid claims and other health
8 6 operations, worldwide federal Health Insurance
8 7 Portability and Accountability Act of 1996 (HIPAA)
8 8 claims, transactions, and coding requirements, and
8 9 the Iowa automated benefits calculation system.
8 10 Notwithstanding section 8.33, funds allocated in this
8 11 subsection that remain unencumbered or unobligated at
8 12 the close of the fiscal year shall not revert but shall
8 13 remain available in succeeding fiscal years to be used
8 14 for the purposes designated.
8 15 5. Of the funds appropriated in this section,
8 16 \$100,000 shall be used for an accountable care
8 17 organization pilot project as specified in the division
8 18 of this Act relating to prior appropriations and
8 19 related changes.
8 20 6. Of the funds appropriated in this section,
8 21 \$200,000 shall be used for the development of a
8 22 provider payment system plan to provide recommendations
8 23 to reform the health care provider payment system as an
8 24 effective way to promote coordination of care, lower
8 25 costs, and improve quality as specified in the division
8 26 of this Act relating to cost containment.
8 27 7. Of the funds appropriated in this section,
8 28 \$20,000 shall be used for the development of a plan
8 29 to establish an all=payer claims database to provide
8 30 for the collection and analysis of claims data from
8 31 multiple payers of health care as specified in the
8 32 division of this Act relating to cost containment.
8 33 8. The department shall amend the state Medicaid
8 34 health information technology plan to include costs
8 35 related to the one=time development costs of the health
8 36 information network as enacted in this Act.
8 37 9. Of the amount appropriated in this section, up
8 38 to \$250,000 may be transferred to the appropriation for
8 39 general administration in this division of this Act to
8 40 be used for additional full=time equivalent positions
8 41 in the development of key health initiatives such as
8 42 cost containment, development and oversight of managed
8 43 care programs, and development of health strategies
8 44 targeted toward improved quality and reduced costs in
8 45 the Medicaid program.
8 46 10. Of the funds appropriated in this section,
8 47 \$50,000 shall be used for home and community=based
8 48 services waiver quality assurance programs, including
8 49 the review and streamlining of processes and policies
8 50 related to oversight and quality management to meet



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

House Amendment 1732 continued

9 1 state and federal requirements. The department shall
9 2 submit a report to the persons designated by this
9 3 division of this Act for submission of reports by
9 4 December 15, 2011, regarding the modifications to the
9 5 quality assurance programs.>
9 6 #46. Page 30, line 22, by striking <There> and
9 7 inserting <1. There>
9 8 #47. Page 30, line 32, by striking <32,927,152> and
9 9 inserting <33,056,102>
9 10 #48. Page 30, after line 32 by inserting:
9 11 <2. Of the funds appropriated in this section,
9 12 \$128,950 is allocated for continuation of the contract
9 13 for advertising and outreach with the department of
9 14 public health.>
9 15 #49. Page 31, line 4, by striking <51,237,662> and
9 16 inserting <55,265,509>
9 17 #50. Page 31, line 5, by striking <49,868,235> and
9 18 inserting <51,896,082>
9 19 #51. Page 31, by striking lines 25 through 30 and
9 20 inserting <system in accordance with section 237A.30.>
9 21 #52. Page 33, after line 32 by inserting:
9 22 <4. For the fiscal year beginning July 1, 2011,
9 23 notwithstanding section 232.52, subsection 2, and
9 24 section 907.3A, subsection 1, the court shall not order
9 25 the placement of a child at the Iowa juvenile home
9 26 or the state training school under section 232.52, if
9 27 that placement is not in accordance with the population
9 28 guidelines for the respective juvenile institution
9 29 established pursuant to section 233A.1 or 233B.1.>
9 30 #53. Page 34, line 5, by striking <82,020,163> and
9 31 inserting <83,377,336>
9 32 #54. Page 35, line 29, by striking <7,170,116> and
9 33 inserting <7,670,116>
9 34 #55. Page 37, line 32, by striking <4,522,602> and
9 35 inserting <6,022,602>
9 36 #56. Page 39, after line 35 by inserting:
9 37 <____. Of the funds appropriated in this section,
9 38 \$257,173 shall be used for continuation of the central
9 39 Iowa system of care program grant through June 30,
9 40 2012.>
9 41 #57. Page 40, line 8, by striking <34,897,591> and
9 42 inserting <34,466,591>
9 43 #58. Page 41, line 8, by striking <department of
9 44 human services> and inserting <criminal and juvenile
9 45 justice planning advisory council established in
9 46 section 216A.132>
9 47 #59. Page 41, by striking lines 14 and 15 and
9 48 inserting <submission of reports and to the department
9 49 of human services by>
9 50 #60. Page 47, after line 35 by inserting:



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

House Amendment 1732 continued

10 1 <Notwithstanding section 8.33, moneys appropriated
10 2 in this section that remain unencumbered or unobligated
10 3 at the close of the fiscal year shall not revert but
10 4 shall remain available for expenditure for the purposes
10 5 designated until the close of the succeeding fiscal
10 6 year.>
10 7 #61. Page 48, line 10, by striking <285.00> and
10 8 inserting <290.00>
10 9 #62. Page 48, by striking lines 17 through 25 and
10 10 inserting:
10 11 <3. Of the funds appropriated in this section,
10 12 \$132,300 shall be used to contract with a statewide
10 13 association representing community providers of mental
10 14 health, mental retardation and brain injury services
10 15 programs to provide technical assistance, support, and
10 16 consultation to providers of habilitation services and
10 17 home and community-based waiver services for adults
10 18 with disabilities under the medical assistance program.
10 19 Notwithstanding section 8.47 or any other provision of
10 20 law to the contrary, the department may utilize a sole
10 21 source approach to contract with the association.
10 22 4. Of the funds appropriated in this section,
10 23 \$176,400 shall be used to contract with an appropriate
10 24 entity to expand the provision of nationally accredited
10 25 and recognized internet-based training to include
10 26 mental health and disability services providers.
10 27 Notwithstanding section 8.47 or any other provision of
10 28 law to the contrary, the department may utilize a sole
10 29 site source approach to enter into such contract.>
10 30 #63. Page 48, before line 30 by inserting:
10 31 <____. Notwithstanding section 8.33, moneys
10 32 appropriated in this section that remain unencumbered
10 33 or unobligated at the close of the fiscal year shall
10 34 not revert but shall remain available for expenditure
10 35 for the purposes designated until the close of the
10 36 succeeding fiscal year.>
10 37 #64. Page 49, line 7, by striking <225,502,551> and
10 38 inserting <235,493,065>
10 39 #65. Page 50, line 6, after <lower.> by inserting
10 40 <The reimbursement specified under this paragraph shall
10 41 be adjusted in accordance with chapter 249N, as enacted
10 42 in this Act.>
10 43 #66. Page 50, line 19, after <2011> by inserting
10 44 <, except that the portion of the fund attributable
10 45 to graduate medical education shall be reduced in
10 46 an amount that reflects the elimination of graduate
10 47 medical education payments made to out-of-state
10 48 hospitals.>
10 49 #67. Page 51, line 10, by striking <For> and
10 50 inserting <(1) For>



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

House Amendment 1732 continued

11 1 #68. Page 51, by striking lines 14 through 16 and
11 2 inserting: <medical assistance.
11 3 (2) For the nonstate=owned psychiatric medical
11 4 institutions for children, reimbursement rates shall
11 5 remain at the rates in effect on June 30, 2011. The
11 6 department, in consultation with representatives of the
11 7 nonstate=owned psychiatric medical institutions for
11 8 children, shall develop a reimbursement methodology to
11 9 include all ancillary medical services costs and any
11 10 other changes required for federal compliance, to be
11 11 implemented on July 1, 2012. To the extent possible,
11 12 the reimbursement methodology shall be in a manner so
11 13 as to be budget neutral to the institutions and cost
11 14 effective for the state.
11 15 #69. Page 56, after line 10 by inserting:
11 16 <Sec. _____. CIVIL MONETARY PENALTIES ==== DIRECT CARE
11 17 WORKER INITIATIVES PROPOSAL. The department of human
11 18 services shall develop a proposal, in collaboration
11 19 with the department of public health, requesting
11 20 federal approval for the use of a portion of the
11 21 funds received by the department of human services as
11 22 civil monetary penalties from nursing facilities to
11 23 support direct care worker initiatives that enhance the
11 24 quality of care in nursing facilities. The proposal
11 25 shall request use of the funds for direct care worker
11 26 initiatives based on recommendations of the direct care
11 27 worker task force established pursuant to 2005 Iowa
11 28 Acts, chapter 88, as included in the report submitted
11 29 to the governor and the general assembly in December
11 30 2006. Upon completion of the proposal, the department
11 31 of human services shall submit the proposal to the
11 32 centers for Medicare and Medicaid services of the
11 33 United States department of health and human services
11 34 for approval. The department of human services shall
11 35 notify the persons designated in this division of this
11 36 Act for submission of reports upon receipt of approval
11 37 of the proposal.>
11 38 #70. Page 56, line 32, by striking <The> and
11 39 inserting <1. The>
11 40 #71. Page 57, after line 1 by inserting:
11 41 <2. The provision under the section of the division
11 42 of this Act providing for reimbursement of medical
11 43 assistance, state supplementary assistance, and social
11 44 service providers by the department of human services
11 45 relating to reimbursement of nonstate=owned psychiatric
11 46 medical institutions for children.>
11 47 #72. Page 57, line 4, after <ACCOUNT,> by inserting
11 48 <NONPARTICIPATING PROVIDER REIMBURSEMENT FUND,>
11 49 #73. Page 57, by striking line 7 and inserting:



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

House Amendment 1732 continued

12 1 <HOSPITAL HEALTH CARE ACCESS TRUST FUND, AND PHARMACY
12 2 ASSESSMENT TRUST FUND>
12 3 #74. By striking page 57, line 35, through page
12 4 58, line 7, and inserting <necessary abortions. For
12 5 the purpose of this subsection, an abortion is the
12 6 purposeful interruption of pregnancy with the intention
12 7 other than to produce a live-born infant or to remove a
12 8 dead fetus, and a medically necessary abortion is one
12 9 performed under one of the following conditions:
12 10 (1) The attending physician certifies that
12 11 continuing the pregnancy would endanger the life of the
12 12 pregnant woman.
12 13 (2) The attending physician certifies that the
12 14 fetus is physically deformed, mentally deficient, or
12 15 afflicted with a congenital illness.
12 16 (3) The pregnancy is the result of a rape which
12 17 is reported within 45 days of the incident to a law
12 18 enforcement agency or public or private health agency
12 19 which may include a family physician.
12 20 (4) The pregnancy is the result of incest which
12 21 is reported within 150 days of the incident to a law
12 22 enforcement agency or public or private health agency
12 23 which may include a family physician.
12 24 (5) The abortion is a spontaneous abortion,
12 25 commonly known as a miscarriage, wherein not all of the
12 26 products of conception are expelled.>
12 27 #75. Page 58, line 27, by striking <54,226,279> and
12 28 inserting <44,226,279>
12 29 #76. Page 59, line 8, by striking <14,000,000> and
12 30 inserting <16,277,753>
12 31 #77. Page 59, line 26, by striking <51,500,000> and
12 32 inserting <65,000,000>
12 33 #78. Page 59, line 32, by striking <48,500,000> and
12 34 inserting <60,000,000>
12 35 #79. Page 59, line 35, by striking <48,500,00> and
12 36 inserting <60,000,000>
12 37 #80. Page 60, line 1, by striking <48,500,000> and
12 38 inserting <60,000,000>
12 39 #81. Page 60, line 5, by striking <48,500,000> and
12 40 inserting <60,000,000>
12 41 #82. Page 60, line 7, after <allocated.> by
12 42 inserting <Pursuant to paragraph "b", of the amount
12 43 appropriated in this subsection, not more than
12 44 \$4,000,000 shall be distributed for prescription drugs
12 45 and podiatry services.>
12 46 #83. Page 60, after line 7 by inserting:
12 47 <b. Notwithstanding any provision of law to the
12 48 contrary, the hospital identified in this subsection,
12 49 shall be reimbursed for outpatient prescription drugs
12 50 and podiatry services provided to members of the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

House Amendment 1732 continued

13 1 expansion population pursuant to all applicable medical
13 2 assistance program rules, in an amount not to exceed
13 3 \$4,000,000.>
13 4 #84. Page 60, line 8, by striking <b.> and inserting
13 5 <c.>
13 6 #85. Page 60, line 9, by striking <6> and inserting
13 7 <4>
13 8 #86. Page 60, line 26, after <subsection.> by
13 9 inserting <Of the collections in excess of the
13 10 \$19,000,000 received by the acute care teaching
13 11 hospital under this subparagraph (1), \$2,000,000 shall
13 12 be distributed by the acute care teaching hospital to
13 13 the treasurer of state for deposit in the IowaCare
13 14 account in the month of January 2012, following the
13 15 July 1 through December 31, 2011, period.>
13 16 #87. Page 60, line 35, after <subsection.> by
13 17 inserting <Of the collections in excess of the
13 18 \$19,000,000 received by the acute care teaching
13 19 hospital under this subparagraph (2), \$2,000,000 shall
13 20 be distributed by the acute care teaching hospital to
13 21 the treasurer of state for deposit in the IowaCare
13 22 account in the month of July 2012, following the
13 23 January 1 through June 30, 2012, period.>
13 24 #88. Page 61, line 10, by striking <6,000,000> and
13 25 inserting <3,472,176>
13 26 #89. Page 61, by striking lines 18 through 25 and
13 27 inserting:
13 28 <6. There is appropriated from the IowaCare account
13 29 created in section 249J.24 to the department of human
13 30 services for the fiscal year beginning July 1, 2011,
13 31 and ending June 30, 2012, the following amount, or
13 32 so much thereof as is necessary to be used for the
13 33 purposes designated:
13 34 For a care coordination pool to pay the expansion
13 35 population providers consisting of the university of
13 36 Iowa hospitals and clinics, the publicly owned acute
13 37 care teaching hospital as specified in section 249J.7,
13 38 and current medical assistance program providers that
13 39 are not expansion population network providers pursuant
13 40 to section 249J.7, for services covered by the full
13 41 benefit medical assistance program but not under the
13 42 IowaCare program pursuant to section 249J.6, that are
13 43 provided to expansion population members:
13 44 \$ 1,500,000
13 45 a. Notwithstanding sections 249J.6 and 249J.7,
13 46 the amount appropriated in this subsection is
13 47 intended to provide payment for medically necessary
13 48 services provided to expansion population members for
13 49 continuation of care provided by the university of
13 50 Iowa hospitals and clinics or the publicly owned acute



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1732 continued

14 1 care teaching hospital as specified in section 249J.7.
14 2 Payment may only be made for services that are not
14 3 otherwise covered under section 249J.6, and which are
14 4 follow-up services to covered services provided by the
14 5 hospitals specified in this paragraph "a".

14 6 b. The funds appropriated in this subsection are
14 7 intended to provide limited payment for continuity
14 8 of care services for an expansion population member,
14 9 and are intended to cover the costs of services
14 10 to expansion population members, regardless of
14 11 the member's county of residence or medical home
14 12 assignment, if the care is related to specialty or
14 13 hospital services provided by the hospitals specified
14 14 in paragraph "a".

14 15 c. The funds appropriated in this subsection are
14 16 not intended to provide for expanded coverage under
14 17 the IowaCare program, and shall not be used to cover
14 18 emergency transportation services.

14 19 d. The department shall adopt administrative
14 20 rules pursuant to chapter 17A to establish a prior
14 21 authorization process and to identify covered services
14 22 for reimbursement under this subsection.

14 23 7. There is appropriated from the IowaCare account
14 24 created in section 249J.24 to the department of human
14 25 services for the fiscal year beginning July 1, 2011,
14 26 and ending June 30, 2012, the following amount or
14 27 so much thereof as is necessary to be used for the
14 28 purposes designated:

14 29 For a laboratory test and radiology pool for
14 30 services authorized by a federally qualified health
14 31 center designated by the department as part of the
14 32 IowaCare regional provider network that does not have
14 33 the capability to provide these services on site:

14 34 \$ 500,000

14 35 Notwithstanding sections 249J.6 and 249J.7, the
14 36 amount appropriated in this subsection is intended
14 37 to provide reimbursement for services provided to
14 38 expansion population members that have previously
14 39 been paid for through expenditure by designated
14 40 regional provider network providers of their own
14 41 funds, not to expand coverage under the IowaCare
14 42 program or to expand the expansion population
14 43 provider network. The department shall designate the
14 44 laboratory and radiology provider associated with
14 45 each designated regional provider network provider
14 46 that may receive reimbursement. The department shall
14 47 adopt administrative rules pursuant to chapter 17A
14 48 to establish a prior authorization process and to
14 49 identify covered services for reimbursement under this
14 50 subsection. All other medical assistance program



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1732 continued

15 1 payment policies and rules for laboratory and radiology
15 2 services shall apply to services provided under this
15 3 subsection. If the entire amount appropriated under
15 4 this subsection is expended, laboratory tests and
15 5 radiology services ordered by a designated regional
15 6 provider network provider shall be the financial
15 7 responsibility of the regional provider network
15 8 provider.>
15 9 #90. Page 61, before line 26 by inserting:
15 10 <Sec. _____. APPROPRIATIONS FROM NONPARTICIPATING
15 11 PROVIDER REIMBURSEMENT FUND ==== DEPARTMENT OF HUMAN
15 12 SERVICES. Notwithstanding any provision to the
15 13 contrary, and subject to the availability of funds,
15 14 there is appropriated from the nonparticipating
15 15 provider reimbursement fund created in section 249J.24A
15 16 to the department of human services for the fiscal year
15 17 beginning July 1, 2011, and ending June 30, 2012, the
15 18 following amount or so much thereof as is necessary for
15 19 the purposes designated:
15 20 To reimburse nonparticipating providers in
15 21 accordance with section 249J.24A:
15 22 \$ 2,000,000>
15 23 #91. By striking page 61, line 34, through page 62,
15 24 line 1.
15 25 #92. Page 62, by striking lines 33 through 35 and
15 26 inserting:
15 27 <10. For transfer to the department of public
15 28 health to be used for the costs of medical home
15 29 system advisory council established pursuant to
15 30 section 135.159, including for the incorporation of
15 31 the work and duties of the prevention and chronic
15 32 care management advisory council pursuant to section
15 33 135.161, as amended by this Act:
15 34 \$ 233,357>
15 35 #93. Page 64, line 3, by striking <To> and inserting
15 36 <1. To>
15 37 #94. Page 64, line 6, by striking <29,000,000> and
15 38 inserting <60,496,712>
15 39 #95. Page 64, after line 6 by inserting:
15 40 <2. To increase the monthly upper cost limit
15 41 for services under the medical assistance home and
15 42 community-based services waiver for the elderly:
15 43 \$ 1,000,000>
15 44 #96. Page 64, after line 22 by inserting:
15 45 <Sec. _____. PHARMACY ASSESSMENT TRUST FUND ====
15 46 DEPARTMENT OF HUMAN SERVICES. Notwithstanding
15 47 any provision to the contrary and subject to the
15 48 availability of funds, there is appropriated from the
15 49 pharmacy assessment trust fund created in section
15 50 249N.4, as enacted in this Act, to the department of



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1732 continued

16 1 human services for the fiscal year beginning July 1,
16 2 2011, and ending June 30, 2012, the following amounts,
16 3 or so much thereof as is necessary, for the purposes
16 4 designated:
16 5 To supplement the appropriation made in this Act
16 6 from the general fund of the state to the department of
16 7 human services for medical assistance:
16 8 \$ 17,377,252>
16 9 #97. By striking page 70, line 22, through page 72,
16 10 line 17.
16 11 #98. Page 72, line 33, after <Grenada,> by inserting
16 12 <Lebanon,>
16 13 #99. Page 73, line 28, after <72,> by inserting
16 14 <shall not revert but shall remain available in
16 15 succeeding fiscal years to be used for the purposes
16 16 designated until expended and any other>
16 17 #100. Page 74, by striking lines 19 through 27 and
16 18 inserting:
16 19 <Sec. _____. 2009 Iowa Acts, chapter 183, section 62,
16 20 subsection 4, is amended to read as follows:
16 21 4. The financial assistance shall be for any of the
16 22 following purposes:
16 23 a. For making temporary payments to qualifying
16 24 families whose members are recently unemployed and
16 25 seeking work to use in meeting immediate family needs.
16 26 b. For providing sliding scale subsidies for
16 27 qualifying families for child care provided to the
16 28 families' infants and toddlers by providers who
16 29 are accredited by the national association for the
16 30 education of young children or the national association
16 31 for family child care, or who have a rating at level 3
16 32 2 or higher under the child care quality rating system
16 33 implemented pursuant to section 237A.30.
16 34 c. For expanding training and other support for
16 35 infant care providers in the community and this state.
16 36 d. For ensuring child care environments are healthy
16 37 and safe.
16 38 e. For promoting positive relationships between
16 39 parents and providers in their mutual efforts to care
16 40 for very young children.
16 41 f. For ensuring that parents have the information
16 42 and resources needed to choose quality child care.>
16 43 #101. By striking page 74, line 28, through page 75,
16 44 line 7.
16 45 #102. Page 76, after line 31 by inserting:
16 46 <CHILD WELFARE TRAINING ACADEMY
16 47 Sec. _____. 2010 Iowa Acts, chapter 1192, section 19,
16 48 subsection 22, is amended to read as follows:
16 49 22. Of the funds appropriated in this section,
16 50 at least \$47,158 shall be used for the child welfare



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1732 continued

17 1 training academy. Notwithstanding section 8.33, moneys
17 2 allocated in this subsection that remain unencumbered
17 3 or unobligated at the close of the fiscal year shall
17 4 not revert but shall remain available for expenditure
17 5 for the purposes designated until the close of the
17 6 succeeding fiscal year.>>

17 7 #103. Page 76, line 32, after <TRANSFER> by
17 8 inserting <AND NONREVERSION>

17 9 #104. Page 76, line 34, by striking <subsection> and
17 10 inserting <subsections>

17 11 #105. Page 77, after line 4 by inserting:

17 12 <NEW SUBSECTION. 5. Notwithstanding section
17 13 8.33, moneys appropriated in this section that remain
17 14 unencumbered or unobligated at the close of the fiscal
17 15 year shall not revert but shall remain available for
17 16 expenditure for the purposes designated until the close
17 17 of the succeeding fiscal year.>

17 18 #106. Page 77, after line 4 by inserting:

17 19 <DEPARTMENT OF HUMAN SERVICES ==== FIELD OPERATIONS

17 20 Sec. _____. 2010 Iowa Acts, chapter 1192, section
17 21 29, is amended by adding the following new unnumbered
17 22 paragraph:

17 23 NEW UNNUMBERED PARAGRAPH Notwithstanding section
17 24 8.33, moneys appropriated in this section that remain
17 25 unencumbered or unobligated at the close of the fiscal
17 26 year shall not revert but shall remain available for
17 27 expenditure for the purposes designated until the close
17 28 of the succeeding fiscal year.

17 29 DEPARTMENT OF HUMAN SERVICES ==== GENERAL ADMINISTRATION

17 30 Sec. _____. 2010 Iowa Acts, chapter 1192, section 30,
17 31 is amended by adding the following new subsection:

17 32 NEW SUBSECTION. 5. Notwithstanding section 8.33,
17 33 moneys appropriated in this section and the designated
17 34 allocations that remain unencumbered or unobligated
17 35 at the close of the fiscal year shall not revert but
17 36 shall remain available for expenditure for the purposes
17 37 designated until the close of the succeeding fiscal
17 38 year.>

17 39 #107. Page 77, before line 30 by inserting:

17 40 <QUALITY ASSURANCE TRUST FUND ==== DEPARTMENT OF HUMAN
17 41 SERVICES>

17 42 #108. Page 79, after line 3 by inserting:

17 43 <STATE INSTITUTION ==== APPROPRIATION TRANSFERS

17 44 Sec. _____. DEPARTMENT OF HUMAN SERVICES. There
17 45 is transferred between the following designated
17 46 appropriations made to the department of human services
17 47 for the fiscal year beginning July 1, 2010, and ending
17 48 June 30, 2011, not more than the following amounts:

17 49 1. From the appropriation made for purposes of the
17 50 state resource center at Glenwood in 2010 Iowa Acts,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1732 continued

18 1 chapter 1192, section 25, subsection 1, paragraph "a",
18 2 to the appropriation made for purposes of the Iowa
18 3 juvenile home at Toledo in 2010 Iowa Acts, chapter
18 4 1192, section 17, subsection 1:
18 5 \$ 400,000
18 6 2. From the appropriation made for purposes of the
18 7 state resource center at Woodward in 2010 Iowa Acts,
18 8 chapter 1192, section 25, subsection 1, paragraph "b",
18 9 to the appropriation made for purposes of the state
18 10 mental health institute at Independence in 2010 Iowa
18 11 Acts, chapter 1192, section 24, subsection 1, paragraph
18 12 "c":
18 13 \$ 400,000>
18 14 #109. Page 79, by striking lines 4 through 14.
18 15 #110. Page 81, after line 2 by inserting:
18 16 <Sec. _____. RETROACTIVE APPLICABILITY. The section
18 17 of this division of this Act making transfers between
18 18 appropriations made to the department of human services
18 19 for state institutions in 2010 Iowa Acts, chapter 1192,
18 20 applies retroactively to January 1, 2011.>
18 21 #111. Page 82, after line 3 by inserting:
18 22 <Sec. _____. Section 29C.20B, Code 2011, is amended
18 23 to read as follows:
18 24 29C.20B Disaster case management.
18 25 1. The ~~rebuild Iowa office~~ homeland security
18 26 and emergency management division shall work with
18 27 the department of human services and nonprofit,
18 28 voluntary, and faith-based organizations active
18 29 in disaster recovery and response in coordination
18 30 with the ~~homeland security and emergency management~~
18 31 ~~division~~ the department of human services to establish
18 32 a statewide system of disaster case management to be
18 33 activated following the governor's proclamation of
18 34 a disaster emergency or the declaration of a major
18 35 disaster by the president of the United States for
18 36 individual assistance purposes. Under the system, the
18 37 ~~department of human services~~ homeland security and
18 38 emergency management division shall coordinate case
18 39 management services locally through local committees
18 40 as established in each local emergency management
18 41 commission's emergency plan. ~~Beginning July 1,~~
18 42 ~~2011, the department of human services shall assume~~
18 43 ~~the duties of the rebuild Iowa office under this~~
18 44 ~~subsection.~~
18 45 2. The ~~department of human services~~ homeland
18 46 security and emergency management division, in
18 47 conjunction with the rebuild Iowa office, the homeland
18 48 ~~security and emergency management division~~ department
18 49 of human services, and an Iowa representative to
18 50 the national voluntary organizations active in



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

House Amendment 1732 continued

19 1 disaster, shall adopt rules pursuant to chapter 17A to
19 2 create coordination mechanisms and standards for the
19 3 establishment and implementation of a statewide system
19 4 of disaster case management which shall include at
19 5 least all of the following:
19 6 a. Disaster case management standards.
19 7 b. Disaster case management policies.
19 8 c. Reporting requirements.
19 9 d. Eligibility criteria.
19 10 e. Coordination mechanisms necessary to carry out
19 11 the services provided.
19 12 f. Develop formal working relationships with
19 13 agencies and create interagency agreements for
19 14 those considered to provide disaster case management
19 15 services.
19 16 g. Coordination of all available services for
19 17 individuals from multiple agencies.>
19 18 #112. Page 82, after line 3 by inserting:
19 19 <Sec. _____. Section 135.106, Code 2011, is amended
19 20 by adding the following new subsection:
19 21 NEW SUBSECTION. 4. It is the intent of the general
19 22 assembly that priority for home visitation funding be
19 23 given to approaches using evidence-based or promising
19 24 models for home visitation.>
19 25 #113. Page 82, after line 3 by inserting:
19 26 <Sec. _____. Section 135H.6, subsection 8, Code 2011,
19 27 is amended to read as follows:
19 28 8. The department of human services may give
19 29 approval to conversion of beds approved under
19 30 subsection 6, to beds which are specialized to provide
19 31 substance abuse treatment. However, the total number
19 32 of beds approved under subsection 6 and this subsection
19 33 shall not exceed four hundred thirty. Conversion of
19 34 beds under this subsection shall not require a revision
19 35 of the certificate of need issued for the psychiatric
19 36 institution making the conversion. Beds for children
19 37 who do not reside in this state and whose service costs
19 38 are not paid by public funds in this state are not
19 39 subject to the limitations on the number of beds and
19 40 certificate of need requirements otherwise applicable
19 41 under this section.>
19 42 #114. Page 82, after line 31 by inserting:
19 43 <Sec. _____. Section 154A.24, subsection 3, paragraph
19 44 s, Code 2011, is amended by striking the paragraph.>
19 45 #115. Page 82, after line 31 by inserting:
19 46 <Sec. _____. NEW SECTION. 155A.43 Pharmaceutical
19 47 collection and disposal program === annual allocation.
19 48 Of the fees collected pursuant to sections 124.301
19 49 and 147.80 and chapter 155A by the board of pharmacy,
19 50 and retained by the board pursuant to section 147.82,



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1732 continued

20 1 not more than one hundred twenty=five thousand
20 2 dollars, may be allocated annually by the board for
20 3 administering the pharmaceutical collection and
20 4 disposal program originally established pursuant to
20 5 2009 Iowa Acts, chapter 175, section 9. The program
20 6 shall provide for the management and disposal of
20 7 unused, excess, and expired pharmaceuticals. The
20 8 board of pharmacy may cooperate with the Iowa pharmacy
20 9 association and may consult with the department and
20 10 sanitary landfill operators in administering the
20 11 program.>
20 12 #116. Page 82, after line 31 by inserting:
20 13 <Sec. _____. Section 225B.8, Code 2011, is amended to
20 14 read as follows:
20 15 225B.8 Repeal.
20 16 This chapter is repealed July 1, ~~2011~~2016.>
20 17 #117. Page 83, after line 9 by inserting:
20 18 <Sec. _____. Section 235B.19, Code 2011, is amended
20 19 by adding the following new subsection:
20 20 NEW SUBSECTION. 2A. a. The department shall
20 21 serve a copy of the petition and any order authorizing
20 22 protective services, if issued, on the dependent adult
20 23 and on persons who are competent adults and reasonably
20 24 ascertainable at the time the petition is filed in
20 25 accordance with the following priority:
20 26 (1) An attorney in fact named by the dependent
20 27 adult in a durable power of attorney for health care
20 28 pursuant to chapter 144B.
20 29 (2) The dependent adult's spouse.
20 30 (3) The dependent adult's children.
20 31 (4) The dependent adult's grandchildren.
20 32 (5) The dependent adult's siblings.
20 33 (6) The dependent adult's aunts and uncles.
20 34 (7) The dependent adult's nieces and nephews.
20 35 (8) The dependent adult's cousins.
20 36 b. When the department has served a person in one
20 37 of the categories specified in paragraph "a", the
20 38 department shall not be required to serve a person in
20 39 any other category.
20 40 c. The department shall serve the dependent adult's
20 41 copy of the petition and order personally upon the
20 42 dependent adult. Service of the petition and all other
20 43 orders and notices shall be in a sealed envelope with
20 44 the proper postage on the envelope, addressed to the
20 45 person being served at the person's last known post
20 46 office address, and deposited in a mail receptacle
20 47 provided by the United States postal service. The
20 48 department shall serve such copies of emergency orders
20 49 authorizing protective services and notices within
20 50 three days after filing the petition and receiving such



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1732 continued

21 1 orders.

21 2 d. The department and all persons served by the
21 3 department with notices under this subsection shall
21 4 be prohibited from all of the following without prior
21 5 court approval after the department's petition has been
21 6 filed:

21 7 (1) Selling, removing, or otherwise disposing of
21 8 the dependent adult's personal property.

21 9 (2) Withdrawing funds from any bank, savings and
21 10 loan association, credit union, or other financial
21 11 institution, or from an account containing securities
21 12 in which the dependent adult has an interest.>

21 13 #118. Page 83, after line 9 by inserting:

21 14 <Sec. _____. Section 237A.1, subsection 3, paragraph
21 15 n, Code 2011, is amended to read as follows:

21 16 n. A program offered to a child whose parent,
21 17 guardian, or custodian is engaged solely in a
21 18 recreational or social activity, remains immediately
21 19 available and accessible on the physical premises on
21 20 which the child's care is provided, and does not engage
21 21 in employment while the care is provided. However,
21 22 if the recreational or social activity is provided in
21 23 a fitness center or on the premises of a nonprofit
21 24 organization the parent, guardian, or custodian of the
21 25 child may be employed to teach or lead the activity.>

21 26 #119. Page 83, after line 9 by inserting:

21 27 <Sec. _____. Section 249A.4B, subsection 2, paragraph
21 28 a, subparagraph (18), Code 2011, is amended to read as
21 29 follows:

21 30 (18) The ~~Iowa/Nebraska~~ Iowa primary care
21 31 association.>

21 32 #120. Page 83, after line 9 by inserting:

21 33 <Sec. _____. NEW SECTION. 261.113 Licensed social
21 34 worker loan repayment program.

21 35 1. A licensed social worker loan repayment program
21 36 is established, to be administered by the college
21 37 student aid commission for the purpose of increasing
21 38 the number of social workers serving in critical human
21 39 service areas. For purposes of this section, "critical
21 40 human service area" includes but is not limited to an
21 41 area of the state with a shortage of social workers
21 42 providing health, mental health, substance abuse,
21 43 aging, HIV/AIDS, victim, or child welfare services, or
21 44 communities with multilingual needs. These areas shall
21 45 be designated by the college student aid commission,
21 46 in consultation with a committee comprised of one
21 47 representative each from the commission, the department
21 48 of public health, and the department of human services.

21 49 2. The contract for the loan repayment shall
21 50 stipulate the time period the licensed social worker



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1732 continued

22 1 shall practice in a critical human service area.
22 2 In addition, the contract shall stipulate that the
22 3 licensed social worker repay any funds paid on the
22 4 person's loan by the commission if the person fails
22 5 to practice in a critical human service area for the
22 6 required period of time.
22 7 Sec. _____. NEW SECTION. 261.114 Licensed social
22 8 worker loan repayment revolving fund.
22 9 1. A licensed social worker loan repayment
22 10 revolving fund is created in the state treasury as a
22 11 separate fund under the control of the commission.
22 12 The commission shall deposit payments made by program
22 13 participants under section 261.113, subsection 2,
22 14 moneys appropriated for purposes of the licensed social
22 15 worker loan repayment program, and any other available
22 16 funds into the loan repayment revolving fund. Moneys
22 17 in the fund shall be used for purposes of the licensed
22 18 social worker loan repayment program. Notwithstanding
22 19 section 8.33, moneys deposited in the fund shall
22 20 not revert to any fund of the state at the end of
22 21 any fiscal year but shall remain in the fund and be
22 22 continuously available for the program.
22 23 2. Notwithstanding section 12C.7, subsection 2,
22 24 interest or earnings on moneys deposited in the fund
22 25 shall be credited to the fund.
22 26 3. a. The annual amount of loan repayment is six
22 27 thousand five hundred dollars for individuals who
22 28 have provided full-time social work services in a
22 29 critical human service area in the year prior to such
22 30 application, provided that no recipient shall receive
22 31 loan repayment that exceeds the total remaining balance
22 32 of the student loan debt and that no recipient shall
22 33 receive cumulative awards in excess of twenty-five
22 34 thousand dollars.
22 35 b. Awards shall be within the amounts appropriated
22 36 for such purpose and based on availability of funds.
22 37 4. Loan repayment awards shall be made annually to
22 38 applicants in the following order of priority:
22 39 a. First priority is given to applicants who have
22 40 received payment of an award pursuant to this section
22 41 in a prior year and who have provided social work
22 42 services in a critical human service area in the year
22 43 prior to such application.
22 44 b. Second priority is given to applicants who have
22 45 not received payment of an award pursuant to this
22 46 section in a prior year and who have provided social
22 47 work services in a critical human service area in the
22 48 year prior to such application.
22 49 c. Third priority is given to applicants who
22 50 are economically disadvantaged, as defined by the



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

House Amendment 1732 continued

23 1 commission.

23 2 5. The commission shall adopt rules pursuant to
23 3 chapter 17A to administer this section.>

23 4 #121. Page 83, by striking lines 10 through 19.

23 5 #122. Page 83, after line 21 by inserting:

23 6 <DIVISION _____

23 7 MEDICAID PRESCRIPTION DRUGS

23 8 Sec. _____. Section 249A.20A, subsection 4, Code
23 9 2011, is amended to read as follows:

23 10 4. With the exception of drugs prescribed for the
23 11 treatment of human immunodeficiency virus or acquired
23 12 immune deficiency syndrome, transplantation, or cancer
23 13 and drugs prescribed for mental illness with the
23 14 exception of drugs and drug compounds that do not
23 15 have a significant variation in a therapeutic profile
23 16 or side effect profile within a therapeutic class,
23 17 prescribing and dispensing of prescription drugs not
23 18 included on the preferred drug list shall be subject to
23 19 prior authorization.

23 20 Sec. _____. 2010 Iowa Acts, chapter 1031, section
23 21 348, is amended to read as follows:

23 22 SEC. 348. MEDICAID NONPREFERRED DRUG LIST
23 23 PRESCRIBING.

23 24 1. The department shall adopt rules pursuant
23 25 to chapter 17A to restrict physicians and other
23 26 prescribers to prescribing not more than a 72-hour
23 27 or three-day supply of a prescription drug not
23 28 included on the medical assistance preferred drug list
23 29 while seeking approval to continue prescribing the
23 30 medication.

~~23 31 2. Notwithstanding subsection 1, the department
23 32 shall adopt rules pursuant to chapter 17A to restrict a
23 33 physician or other prescriber prescribing a chemically
23 34 unique mental health prescription drug to prescribing
23 35 not more than a seven-day supply of the prescription
23 36 drug while requesting approval to continue to prescribe
23 37 the medication. The rules shall provide that if
23 38 an approval or disapproval is not received by the
23 39 physician or other prescriber within 48 hours of the
23 40 request, the request is deemed approved.~~

23 41 Sec. _____. REPEAL. 2010 Iowa Acts, chapter 1031,
23 42 section 349, is repealed.

23 43 Sec. _____. RESCINDING AND ADOPTION OF RULES. The
23 44 department of human services shall rescind the rules
23 45 adopted pursuant to 2010 Iowa Acts, chapter 1031,
23 46 section 347, chapter 1031, section 348, subsection
23 47 2, and chapter 1031, section 349, and shall instead
23 48 adopt emergency rules under section 17A.4, subsection
23 49 3, and section 17A.5, subsection 2, paragraph "b",
23 50 to implement section 249A.20A, as amended in this



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1732 continued

24 1 division of this Act, and the rules shall be effective
24 2 immediately upon filing and retroactively applicable to
24 3 January 1, 2011, unless a later date is specified in
24 4 the rules. Any rules adopted in accordance with this
24 5 section shall also be published as a notice of intended
24 6 action as provided in section 17A.4.

24 7 Sec. _____. EFFECTIVE UPON ENACTMENT AND RETROACTIVE
24 8 APPLICABILITY. This division of this Act, being deemed
24 9 of immediate importance, takes effect upon enactment
24 10 and applies retroactively to January 1, 2011.>

24 11 #123. Page 83, after line 21 by inserting:

24 12 <DIVISION ____

24 13 IOWA FALSE CLAIMS ACT

24 14 Sec. _____. Section 685.1, subsection 11, Code 2011,
24 15 is amended to read as follows:

24 16 11. "Original source" means an individual who ~~has~~
~~24 17 direct and independent~~ prior to a public disclosure
24 18 under section 685.3, subsection 5, paragraph "c", has
24 19 voluntarily disclosed to the state the information on
24 20 which the allegations or transactions in a claim are
24 21 based; or who has knowledge of the information on which
~~24 22 the allegations are based~~ that is independent of and
24 23 materially adds to the publicly disclosed allegations
24 24 or transactions, and has voluntarily provided the
24 25 information to the state before filing an action under
24 26 ~~section 685.3 which is based on the information this~~
24 27 chapter.

24 28 Sec. _____. Section 685.1, Code 2011, is amended by
24 29 adding the following new subsection:

24 30 NEW SUBSECTION. 15. "State" means the state of
24 31 Iowa.

24 32 Sec. _____. Section 685.2, subsection 1, unnumbered
24 33 paragraph 1, Code 2011, is amended to read as follows:

24 34 A person who commits any of the following acts is
24 35 jointly and severally liable to the state for a civil
24 36 penalty of not less than ~~five thousand dollars~~ and
24 37 not more than ~~ten thousand dollars~~ the civil penalty
24 38 allowed under the federal False Claims Act, as codified
24 39 in 31 U.S.C. { 3729 et seq., as may be adjusted in
24 40 accordance with the inflation adjustment procedures
24 41 prescribed in the federal Civil Penalties Inflation
24 42 Adjustment Act of 1990, Pub. L. No. 101-410, for each
24 43 false or fraudulent claim, plus three times the amount
24 44 of damages which the state sustains ~~because of the act~~
~~24 45 of that person:~~

24 46 Sec. _____. Section 685.3, subsection 5, paragraph
24 47 c, Code 2011, is amended by striking the paragraph and
24 48 inserting in lieu thereof the following:

24 49 c. A court shall dismiss an action or claim
24 50 under this section, unless opposed by the state, if



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1732 continued

25 1 substantially the same allegations or transactions as
25 2 alleged in the action or claim were publicly disclosed
25 3 in a state criminal, civil, or administrative hearing
25 4 in which the state or an agent of the state is a
25 5 party; in a state legislative, state auditor, or other
25 6 state report, hearing, audit, or investigation; or
25 7 by the news media, unless the action is brought by
25 8 the attorney general or the qui tam plaintiff is an
25 9 original source of the information.

25 10 Sec. _____. Section 685.3, subsection 6, Code 2011,
25 11 is amended to read as follows:

25 12 6. a. Any employee, contractor, or agent ~~who~~
~~25 13 shall be entitled to all relief necessary to make~~
25 14 ~~that employee, contractor, or agent whole, if that~~
25 15 ~~employee, contractor, or agent is discharged, demoted,~~
25 16 ~~suspended, threatened, harassed, or in any other manner~~
25 17 ~~discriminated against in the terms and conditions of~~
25 18 ~~employment because of lawful acts performed done by~~
25 19 ~~the employee, contractor, or agent on behalf of the~~
~~25 20 employee, contractor, or agent or associated others in~~
25 21 ~~furtherance of an action under this section or other~~
25 22 ~~efforts to stop a violation one or more violations of~~
25 23 ~~this chapter, shall be entitled to all relief necessary~~
~~25 24 to make the employee, contractor, or agent whole. Such~~
~~25 25 relief~~

25 26 b. Relief under paragraph "a" shall include
25 27 reinstatement with the same seniority status ~~such~~
~~25 28 that employee, contractor, or agent would have had~~
25 29 ~~but for the discrimination, two times the amount of~~
25 30 ~~back pay, interest on the back pay, and compensation~~
25 31 ~~for any special damages sustained as a result of~~
25 32 ~~the discrimination, including litigation costs and~~
25 33 ~~reasonable attorney fees. An employee, contractor, or~~
~~25 34 agent may bring an action under this subsection may be~~
25 35 ~~brought in the appropriate district court of the state~~
25 36 ~~for the relief provided in this subsection.~~

25 37 c. A civil action under this subsection shall not
25 38 be brought more than three years after the date when
25 39 the retaliation occurred.

25 40 DIVISION _____

25 41 VOLUNTEER HEALTH CARE PROVIDER PROGRAM

25 42 <Sec. _____. Section 135.24, subsection 2, Code 2011,
25 43 is amended by adding the following new paragraph:

25 44 NEW PARAGRAPH. e. Procedures for a hospital to
25 45 register and act as a sponsor entity for the program.
25 46 A hospital acting as a sponsor entity under this
25 47 paragraph shall enter into an agreement with the
25 48 program to allow an individual health care provider
25 49 who registers and complies with the requirements of
25 50 this section to deliver free health care services to



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1732 continued

26 1 uninsured and underinsured individuals at the sponsor
26 2 entity location. The sponsor entity shall not bill,
26 3 charge, or receive compensation and shall not be
26 4 considered a state agency under chapter 669 when acting
26 5 as a sponsor entity under this paragraph.

26 6 Sec. _____. Section 135.24, subsection 3, paragraph
26 7 b, Code 2011, is amended to read as follows:

26 8 b. Provided medical, dental, chiropractic,
26 9 pharmaceutical, nursing, optometric, psychological,
26 10 social work, behavioral science, podiatric, physical
26 11 therapy, occupational therapy, respiratory therapy, or
26 12 emergency medical care services through a hospital,
26 13 clinic, free clinic, field dental clinic, specialty
26 14 health care provider office, or other health care
26 15 facility, health care referral program, or charitable
26 16 organization listed as eligible and participating by
26 17 the department pursuant to subsection 1 or through
26 18 a hospital that has entered into a sponsor entity
26 19 agreement as described in subsection 2.>

26 20 DIVISION _____

26 21 HEALTH CARE COST CONTAINMENT

26 22 Sec. _____. ALL=PAYER CLAIMS DATABASE PLAN. The
26 23 department of human services shall develop a plan to
26 24 establish an all=payer claims database to provide
26 25 for the collection and analysis of claims data from
26 26 multiple payers of health care. The plan shall
26 27 establish the goals of the database which may include
26 28 but are not limited to determining health care
26 29 utilization patterns and rates; identifying gaps in
26 30 prevention and health promotion services; evaluating
26 31 access to care; assisting with benefit design and
26 32 planning; analyzing statewide and local health care
26 33 expenditures by provider, employer, and geography;
26 34 informing the development of payment systems for
26 35 providers; and establishing clinical guidelines related
26 36 to quality, safety, and continuity of care. The plan
26 37 shall identify a standard means of data collection,
26 38 statutory changes necessary to the collection and
26 39 use of the data, and the types of claims for which
26 40 collection of data is required which may include
26 41 but are not limited to eligibility data; provider
26 42 information; medical data; private and public medical,
26 43 pharmacy, and dental claims data; and other appropriate
26 44 data. The plan shall also include an implementation
26 45 and maintenance schedule including a proposed budget
26 46 and funding plan and vision for the future.

26 47 Sec. _____. PROVIDER PAYMENT SYSTEM PLAN ==== PILOT
26 48 PROJECT. The department of human services shall
26 49 develop a provider payment system plan to provide
26 50 recommendations to reform the health care provider



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1732 continued

27 1 payment system as an effective way to promote
27 2 coordination of care, lower costs, and improve quality.
27 3 The plan shall provide analysis and recommendations
27 4 regarding but not limited to accountable care
27 5 organizations, a global payment system, or an episode
27 6 of care payment system.

27 7 Sec. _____. EFFECTIVE UPON ENACTMENT. This division
27 8 of this Act, being deemed of immediate importance,
27 9 takes effect upon enactment.>

27 10 #124. Page 83, after line 21 by inserting:

27 11 <DIVISION _____

27 12 NURSING FACILITY QUALITY ASSURANCE ASSESSMENT PROGRAM

27 13 Sec. _____. Section 249L.2, Code 2011, is amended by
27 14 adding the following new subsection:

27 15 NEW SUBSECTION. 8A. "Patient service revenue" means
27 16 the total Medicaid, Medicare, and private pay revenues
27 17 as they correlate with the Medicaid cost reports.

27 18 Sec. _____. Section 249L.3, subsection 1, paragraph
27 19 d, Code 2011, is amended to read as follows:

27 20 d. The aggregate quality assurance assessments
27 21 imposed under this chapter shall not exceed the lower
27 22 of ~~three~~ five percent of the aggregate ~~non-Medicare~~

~~27 23~~ patient service revenues of a nursing facility or the
27 24 maximum amount that may be assessed pursuant to the
27 25 indirect guarantee threshold as established pursuant to
27 26 42 C.F.R. { 433.68(f)(3)(i), and shall be stated on a
27 27 per=patient=day basis.

27 28 Sec. _____. Section 249L.4, subsection 2, Code 2011,
27 29 is amended to read as follows:

27 30 2. a. Moneys in the trust fund shall be used,
27 31 subject to their appropriation by the general assembly,
27 32 by the department only for reimbursement of services
27 33 for which federal financial participation under the
27 34 medical assistance program is available to match state
27 35 funds.

27 36 b. Any moneys appropriated from the trust fund for
27 37 reimbursement of nursing facilities, in addition to
27 38 the quality assurance assessment pass=through and the
27 39 quality assurance assessment rate add=on which shall be
27 40 used as specified in subsection 5, paragraph "b", shall
27 41 be used in a manner such that no less than thirty=five
27 42 percent of the amount received by a nursing facility
27 43 is used for increases in compensation and costs
27 44 of employment for direct care workers, and no less
27 45 than sixty percent of the total is used to increase
27 46 compensation and costs of employment for all nursing
27 47 facility staff. For the purposes of use of such
27 48 funds, "direct care worker", "nursing facility staff",
27 49 "increases in compensation", and "costs of employment"
27 50 mean as defined or specified in this chapter.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1732 continued

28 1 c. One million dollars of the moneys in the trust
28 2 fund shall be used to increase the monthly upper cost
28 3 limit for services under the medical assistance home
28 4 and community-based services waiver for the elderly.
28 5 Sec. _____. Section 249L.4, subsection 5, paragraph
28 6 a, subparagraph (2), Code 2011, is amended to read as
28 7 follows:
28 8 (2) A quality assurance assessment rate
28 9 add=on. This rate add=on shall be calculated on a
28 10 per=patient=day basis for medically indigent residents.
28 11 The amount paid to a nursing facility as a quality
28 12 assurance assessment rate add=on shall ~~be ten~~ not
28 13 exceed fifteen dollars per patient day.
28 14 Sec. _____. DIRECTIVE TO DEPARTMENT OF HUMAN
28 15 SERVICES. Upon enactment of this division of this Act,
28 16 the department of human services shall request any
28 17 medical assistance state plan amendment necessary to
28 18 implement the revisions to the nursing facility quality
28 19 assurance assessment program specified in this division
28 20 of this Act from the centers for Medicare and Medicaid
28 21 services of the United States department of health and
28 22 human services.
28 23 Sec. _____. CONTINGENCY PROVISION. The revised
28 24 quality assurance assessment specified in this Act
28 25 shall accrue beginning July 1, 2011. However, accrued
28 26 quality assurance assessments shall not be collected
28 27 prior to completion of both of the following:
28 28 1. The approval of the medical assistance state
28 29 plan amendment necessary to implement the revisions
28 30 specified in this division of this Act by the centers
28 31 for Medicare and Medicaid services of the United States
28 32 department of health and human services.
28 33 2. An appropriation enacted by the general assembly
28 34 to implement the revised nursing facility provider
28 35 reimbursements as provided in this Act.
28 36 Sec. _____. EFFECTIVE UPON ENACTMENT AND
28 37 APPLICABILITY. This division of this Act, being deemed
28 38 of immediate importance, takes effect upon enactment.
28 39 However, the department of human services shall only
28 40 implement this division of this Act if the department
28 41 receives approval of the state plan amendment necessary
28 42 to implement the revisions to the nursing facility
28 43 quality assurance assessment program as specified in
28 44 this division of this Act.>
28 45 #125. Page 83, after line 21 by inserting:
28 46 <DIVISION ____
28 47 PHARMACY ASSESSMENT
28 48 Sec. _____. NEW SECTION. 249N.1 Title.
28 49 This chapter shall be known and may be cited as the
28 50 "Pharmacy Assessment Program".



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1732 continued

29 1 Sec. _____. NEW SECTION. 249N.2 Definitions.
29 2 As used in this chapter, unless the context
29 3 otherwise requires:
29 4 1. "Department" means the department of human
29 5 services.
29 6 2. "Pharmacy" means pharmacy as defined in section
29 7 155A.3.
29 8 Sec. _____. NEW SECTION. 249N.3 Pharmacy assessment
29 9 program.
29 10 1. Beginning July 1, 2011, or the implementation
29 11 date of the pharmacy assessment program as determined
29 12 by receipt of approval from the centers for Medicare
29 13 and Medicaid services of the United States department
29 14 of health and human services, whichever is later, a
29 15 pharmacy in this state shall be assessed a fee based
29 16 on a methodology determined by the department in
29 17 consultation with pharmacy representatives. Pharmacies
29 18 domiciled or headquartered outside the state that are
29 19 engaged in prescription drug sales that are delivered
29 20 directly to patients within the state via common
29 21 carrier, mail, or a carrier service are not subject to
29 22 the provisions of this chapter.
29 23 2. The aggregate assessment imposed under this
29 24 section shall not exceed the maximum amount that may be
29 25 assessed pursuant to the indirect guarantee threshold
29 26 as established pursuant to 42 C.F.R. { 433.68(f)(3)(i),
29 27 and shall be stated on a per prescription basis.
29 28 3. The assessment shall be paid by or on behalf of
29 29 each pharmacy to the department on a quarterly basis.
29 30 The department shall prepare and distribute a form
29 31 upon which pharmacies shall calculate and report the
29 32 assessment. A pharmacy shall submit the completed
29 33 form with the assessment amount no later than the last
29 34 day of the month following the end of each calendar
29 35 quarter. The department may deduct the monthly amount
29 36 from medical assistance payments to a pharmacy. The
29 37 amount deducted from the payments shall not exceed the
29 38 total amount of the assessment due.
29 39 4. A pharmacy shall retain and preserve for a
29 40 period of three years such books and records as may be
29 41 necessary to determine the amount of the assessment
29 42 for which the pharmacy is liable under this chapter.
29 43 The department may inspect and copy the books and
29 44 records of a pharmacy for the purpose of auditing
29 45 the calculation of the assessment. All information
29 46 obtained by the department under this subsection is
29 47 confidential and does not constitute a public record.
29 48 5. The department shall collect the assessment
29 49 imposed and shall deposit all revenues collected in
29 50 the pharmacy assessment trust fund created in section



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1732 continued

30 1 249N.4.
30 2 6. a. A pharmacy that fails to pay the assessment
30 3 within the time frame specified in this section
30 4 shall pay, in addition to the outstanding assessment,
30 5 a penalty of one and five-tenths percent of the
30 6 assessment amount owed for each month or portion of
30 7 each month that the payment is overdue.
30 8 b. If the assessment has not been received by the
30 9 department by seven days after the last day of the
30 10 month in which the payment is due, the department shall
30 11 withhold an amount equal to the assessment and penalty
30 12 owed from any payment due such pharmacy under the
30 13 medical assistance program.
30 14 c. The assessment imposed under this section
30 15 constitutes a debt due the state and may be collected
30 16 by civil action, including but not limited to the
30 17 filing of tax liens, and any other method provided for
30 18 by law.
30 19 d. Any penalty collected pursuant to this
30 20 subsection shall be credited to the pharmacy assessment
30 21 trust fund.
30 22 7. a. If pharmacies are not reimbursed at the
30 23 reimbursement rates established pursuant to this
30 24 chapter, the department shall terminate the imposition
30 25 of the assessment under this section no later than
30 26 ninety days from the date such reimbursement takes
30 27 effect.
30 28 b. If federal financial participation to match the
30 29 assessments made under this section becomes unavailable
30 30 under federal law, the department shall terminate the
30 31 imposition of the assessments beginning on the date the
30 32 federal statutory, regulatory, or interpretive change
30 33 takes effect.
30 34 Sec. _____. NEW SECTION. 249N.4 Pharmacy assessment
30 35 trust fund.
30 36 1. A pharmacy assessment trust fund is created
30 37 in the state treasury under the authority of the
30 38 department. Moneys received through the collection of
30 39 the pharmacy assessment imposed under this chapter and
30 40 any other moneys specified for deposit in the trust
30 41 fund shall be deposited in the trust fund.
30 42 2. Moneys in the trust fund shall be used, subject
30 43 to their appropriation by the general assembly, by
30 44 the department only for reimbursement of services for
30 45 which federal financial participation under the medical
30 46 assistance program is available to match state funds.
30 47 3. Beginning July 1, 2011, or the implementation
30 48 date of the pharmacy assessment program as determined
30 49 by receipt of approval from the centers for Medicare
30 50 and Medicaid services of the United States department



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1732 continued

31 1 of health and human services, whichever is later,
31 2 moneys that are appropriated from the trust fund for
31 3 reimbursement to pharmacies shall be used to provide
31 4 the following pharmacy reimbursement adjustment
31 5 increases within the parameters specified:
31 6 a. Enhanced generic prescription drug dispensing
31 7 fee. The department shall reimburse pharmacy
31 8 dispensing fees using a rate of four dollars and
31 9 thirty=four cents per prescription plus the enhanced
31 10 generic prescription drug dispensing fee per generic
31 11 prescription.
31 12 b. Enhanced brand name prescription drug dispensing
31 13 fee. The department shall reimburse pharmacy
31 14 dispensing fees using a rate of four dollars and
31 15 thirty=four cents per prescription plus the enhanced
31 16 brand name prescription drug dispensing fee per brand
31 17 name prescription.
31 18 4. Appropriations from the trust fund shall be
31 19 based on the following:
31 20 a. For the fiscal year beginning July 1, 2011,
31 21 fifty=one percent of the moneys in the trust fund shall
31 22 be appropriated for reimbursement to pharmacies.
31 23 b. For the fiscal year beginning July 1, 2012,
31 24 seventy=five percent of the moneys in the trust fund
31 25 shall be appropriated for reimbursement to pharmacies.
31 26 5. Any payments made to pharmacies under this
31 27 section shall result in budget neutrality to the
31 28 general fund of the state.
31 29 6. The trust fund shall be separate from the
31 30 general fund of the state and shall not be considered
31 31 part of the general fund of the state. The moneys
31 32 in the trust fund shall not be considered revenue of
31 33 the state, but rather shall be funds of the pharmacy
31 34 assessment program. The moneys deposited in the
31 35 trust fund are not subject to section 8.33 and shall
31 36 not be transferred, used, obligated, appropriated,
31 37 or otherwise encumbered, except to provide for the
31 38 purposes of this chapter. Notwithstanding section
31 39 12C.7, subsection 2, interest or earnings on moneys
31 40 deposited in the trust fund shall be credited to the
31 41 trust fund.
31 42 7. The department shall adopt rules pursuant
31 43 to chapter 17A to administer the trust fund and
31 44 reimbursements made from the trust fund.
31 45 8. The department shall report annually to the
31 46 general assembly regarding the use of moneys deposited
31 47 in the trust fund and appropriated to the department.
31 48 Sec. _____. NEW SECTION. 249N.5 REPEAL.
31 49 This chapter is repealed June 30, 2013.
31 50 Sec. _____. DIRECTIVE TO DEPARTMENT OF HUMAN



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

House Amendment 1732 continued

32 1 SERVICES. Upon enactment of this division of this Act,
32 2 the department of human services shall request any
32 3 medical assistance state plan amendment necessary to
32 4 implement this division of this Act from the centers
32 5 for Medicare and Medicaid services of the United States
32 6 department of health and human services.

32 7 Sec. _____. CONTINGENCY PROVISIONS.

32 8 1. The pharmacy assessment imposed pursuant to this
32 9 division of this Act shall not be imposed retroactively
32 10 prior to July 1, 2011.

32 11 2. The pharmacy assessment shall not be collected
32 12 until the department of human services has received
32 13 approval of the assessment from the centers for
32 14 Medicare and Medicaid services of the United States
32 15 department of health and human services.

32 16 Sec. _____. EFFECTIVE UPON ENACTMENT AND
32 17 APPLICABILITY. This division of this Act, being deemed
32 18 of immediate importance, takes effect upon enactment.
32 19 However, the department of human services shall only
32 20 implement this division of this Act if the department
32 21 receives federal approval of the requests relating to
32 22 the medical assistance state plan amendment necessary
32 23 to implement this division of this Act.>

32 24 #126. Page 83, after line 21 by inserting:

32 25 <DIVISION ____
32 26 BISPHENOL A PROHIBITION

32 27 Sec. _____. NEW SECTION. 135.181 Bisphenol A
32 28 prohibition.

32 29 1. As used in this section, unless the context
32 30 otherwise requires:

32 31 a. "Infant pacifier" means a device designed to be
32 32 bitten or sucked by an infant for the sole purpose of
32 33 soothing or providing comfort to the infant, including
32 34 soothing discomfort caused by teething.

32 35 b. "Reusable beverage container" means a baby bottle
32 36 or spill-proof container primarily intended by the
32 37 manufacturer for use by a child three years of age or
32 38 younger.

32 39 1A. For purposes of this section, "reusable beverage
32 40 container" includes disposable baby bottle liners
32 41 designed to hold liquids in a baby bottle.

32 42 2. Beginning January 1, 2013, a person shall
32 43 not manufacture, sell, or distribute in commerce in
32 44 this state any infant pacifier or reusable beverage
32 45 container containing bisphenol A. A manufacturer or
32 46 wholesaler who sells or offers for sale in this state a
32 47 reusable beverage container that is intended for retail
32 48 sale shall do all of the following:

32 49 a. Ensure that the container is conspicuously
32 50 labeled as not containing bisphenol A.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

House Amendment 1732 continued

33 1 b. Provide the retailer with affirmation that the
33 2 container does not contain bisphenol A.

33 3 3. A manufacturer shall use the least toxic
33 4 alternative when replacing bisphenol A in accordance
33 5 with this section.

33 6 4. In complying with this section, a manufacturer
33 7 shall not replace bisphenol A with a substance rated
33 8 by the United States environmental protection agency
33 9 as a class A, B, or C carcinogen or a substance listed
33 10 on the agency's list of chemicals evaluated for
33 11 carcinogenic potential as known or likely carcinogens,
33 12 known to be human carcinogens, or likely to be human
33 13 carcinogens.

33 14 5. In complying with this section, a manufacturer
33 15 shall not replace bisphenol A with a reproductive
33 16 toxicant that has been identified by the United States
33 17 environmental protection agency as causing birth
33 18 defects, reproductive harm, or developmental harm.

33 19 6. A person who violates this section is subject
33 20 to a civil penalty of five hundred dollars for each
33 21 violation.

33 22 Sec. ____ EFFECTIVE DATE. This division of this
33 23 Act takes effect January 1, 2013.>

33 24 #127. Page 83, after line 21 by inserting:

33 25 <DIVISION

33 26 HEALTH INFORMATION TECHNOLOGY

33 27 Sec. . NEW SECTION. 135D.1 Findings and intent.

33 28 1. The general assembly finds all of the following:

33 29 a. Technology used to support health-related
33 30 functions is widely known as health information
33 31 technology. Electronic health records are used to
33 32 collect and store relevant patient health information.
33 33 Electronic health records serve as a means of bringing
33 34 evidence-based knowledge resources and patient
33 35 information to the point of care to support better
33 36 decision making and more efficient care processes.

b. Health information technology allows for comprehensive management of health information and its secure electronic exchange between providers, public health agencies, payers, and consumers. Broad use of health information technology should improve health care quality and the overall health of the population, increase efficiencies in administrative health care, reduce unnecessary health care costs, and help prevent medical errors.

33 46 c. Health information technology provides a
33 47 mechanism to transform the delivery of health and
33 48 medical care in Iowa and across the nation.

33 49 2. It is the intent of the general assembly to
33 50 use health information technology as a catalyst



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

House Amendment 1732 continued

34 1 to achieve a healthier Iowa through the electronic
34 2 sharing of health information. A health information
34 3 network involves sharing health information across the
34 4 boundaries of individual practice and institutional
34 5 health settings and with consumers. The result is a
34 6 public good that will contribute to improved clinical
34 7 outcomes and patient safety, population health, access
34 8 to and quality of health care, and efficiency in health
34 9 care delivery.

34 10 3. It is the intent of the general assembly that
34 11 the health information network shall not constitute a
34 12 health benefit exchange or a health insurance exchange.

34 13 Sec. _____. NEW SECTION. 135D.2 Definitions.

34 14 For the purposes of this chapter, unless the context
34 15 otherwise requires:

34 16 1. "Authorized" means having met the requirements
34 17 as a participant for access to the health information
34 18 network.

34 19 2. "Board" means the board of directors of Iowa
34 20 e=health.

34 21 3. "Consumers" means people who acquire and use
34 22 goods and services for personal need.

34 23 4. "Continuity of care document" means a summary
34 24 of a patient's health information for each visit to a
34 25 provider to be delivered through the health information
34 26 network.

34 27 5. "Department" means the department of public
34 28 health.

34 29 6. "Deputy director" means the deputy director of
34 30 public health.

34 31 7. "Director" means the director of public health.

34 32 8. "Exchange" means the authorized electronic
34 33 sharing of health information between providers,
34 34 payers, consumers, public health agencies, the
34 35 department, and other authorized participants utilizing
34 36 the health information network and health information
34 37 network services.

34 38 9. "Executive director" means the executive director
34 39 of the office of health information technology.

34 40 10. "Health information" means any information,
34 41 in any form or medium, that is created, transmitted,
34 42 or received by a provider, payer, consumer, public
34 43 health agency, the department, or other authorized
34 44 participant, which relates to the past, present,
34 45 or future physical or mental health or condition of
34 46 an individual; the provision of health care to an
34 47 individual; or the past, present, or future payment for
34 48 the provision of health care to an individual.

34 49 11. "Health information network" means the exclusive
34 50 statewide electronic health information network.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

House Amendment 1732 continued

35 1 12. "Health information network services" means
35 2 the exchanging of health information via the health
35 3 information network; education and outreach to
35 4 support connection and access to and use of the health
35 5 information network; and all other activities related
35 6 to the electronic exchange of health information.
35 7 13. "Health Insurance Portability and Accountability
35 8 Act" means the federal Health Insurance Portability
35 9 and Accountability Act of 1996, Pub. L. No. 104=191,
35 10 including amendments thereto and regulations
35 11 promulgated thereunder.
35 12 14. "Infrastructure" means technology including
35 13 architecture, hardware, software, networks, terminology
35 14 and standards, and policies and procedures governing
35 15 the electronic exchange of health information.
35 16 15. "Iowa e=health" means the collaboration
35 17 between the department and other public and private
35 18 stakeholders to establish, operate, and sustain an
35 19 exclusive statewide health information network.
35 20 16. "Iowa Medicaid enterprise" means Iowa medicaid
35 21 enterprise as defined in section 249J.3.
35 22 17. "Local board of health" means a city, county, or
35 23 district board of health.
35 24 18. "Office" means the office of health information
35 25 technology within the department.
35 26 19. "Participant" means an authorized provider,
35 27 payer, patient, public health agency, the department,
35 28 or other authorized person that has voluntarily agreed
35 29 to authorize, submit, access, and disclose health
35 30 information through the health information network in
35 31 accordance with this chapter and all applicable laws,
35 32 rules, agreements, policies, and procedures.
35 33 20. "Participation and data sharing agreement" means
35 34 the agreement outlining the terms of access and use for
35 35 participation in the health information network.
35 36 21. "Patient" means a person who has received or is
35 37 receiving health services from a provider.
35 38 22. "Payer" means a person who makes payments
35 39 for health services, including but not limited to an
35 40 insurance company, self=insured employer, government
35 41 program, individual, or other purchaser that makes such
35 42 payments.
35 43 23. "Protected health information" means
35 44 individually identifiable patient information,
35 45 including demographic information, related to the past,
35 46 present, or future health or condition of a person;
35 47 the provision of health care to a person; or the past,
35 48 present, or future payment for such health care; which
35 49 is created, transmitted, or received by a participant.
35 50 "Protected health information" does not include



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

House Amendment 1732 continued

36 1 education and other records that are covered under the
36 2 federal Family Educational Rights and Privacy Act of
36 3 1974, as codified at 20 U.S.C. 1232g, as amended; or
36 4 any employment records maintained by a covered entity,
36 5 as defined under the Health Insurance Portability and
36 6 Accountability Act, in its role as an employer.

36 7 24. "Provider" means a hospital, physician clinic,
36 8 pharmacy, laboratory, health service provider, or
36 9 other person that is licensed, certified, or otherwise
36 10 authorized or permitted by law to administer health
36 11 care in the ordinary course of business or in the
36 12 practice of a profession, or any other person or
36 13 organization that furnishes, bills, or is paid for
36 14 health care in the normal course of business.

36 15 25. "Public health agency" means an entity that is
36 16 governed by or contractually responsible to a local
36 17 board of health or the department to provide services
36 18 focused on the health status of population groups and
36 19 their environments.

36 20 26. "Purchaser" means any individual, employer,
36 21 or organization that purchases health insurance or
36 22 services and includes intermediaries.

36 23 27. "Vendor" means a person or organization that
36 24 provides or proposes to provide goods or services to
36 25 the department pursuant to a contract, but does not
36 26 include an employee of the state, a retailer, or a
36 27 state agency or instrumentality.

36 28 Sec. ____ . NEW SECTION. 135D.3 Iowa e=health
36 29 established ==== guiding principles, goals, domains.

36 30 1. Iowa e=health is established as a
36 31 public=private, multi=stakeholder collaborative.
36 32 The purpose of Iowa e=health is to develop, administer,
36 33 and sustain the health information network to improve
36 34 the quality, safety, and efficiency of health care
36 35 available to Iowans.

36 36 2. Iowa e=health shall manage and operate
36 37 the health information network. Nothing in
36 38 this chapter shall be interpreted to impede or
36 39 preclude the formation and operation of regional,
36 40 population=specific, or local health information
36 41 networks or their participation in the health
36 42 information network.

36 43 3. Iowa e=health shall facilitate the exchange
36 44 of health information for prevention and treatment
36 45 purposes to help providers make the best health care
36 46 decisions for patients and to provide patients with
36 47 continuity of care regardless of the provider the
36 48 patient visits.

36 49 4. The guiding principles of Iowa e=health include
36 50 all of the following:



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

House Amendment 1732 continued

37 1 a. To engage in a collaborative, public=private,
37 2 multi=stakeholder effort including providers, payers,
37 3 purchasers, governmental entities, educational
37 4 institutions, and consumers.
37 5 b. To create a sustainable health information
37 6 network which makes information available when and
37 7 where it is needed.
37 8 c. To ensure the health information network
37 9 incorporates provider priorities and appropriate
37 10 participant education.
37 11 d. To instill confidence in consumers that their
37 12 health information is secure, private, and accessed
37 13 appropriately.
37 14 e. To build on smart practices and align with
37 15 federal standards to ensure interoperability within and
37 16 beyond the state.
37 17 5. The goals of Iowa e=health include all of the
37 18 following:
37 19 a. To build awareness and trust of health
37 20 information technology through communication and
37 21 outreach to providers and consumers.
37 22 b. To safeguard privacy and security of health
37 23 information shared electronically between participants
37 24 through the health information network so that the
37 25 health information is secure, private, and accessed
37 26 only by authorized individuals and entities.
37 27 c. To promote statewide deployment and use of
37 28 electronic health records.
37 29 d. To enable the electronic exchange of health
37 30 information.
37 31 e. To advance coordination of activities across
37 32 state and federal governments.
37 33 f. To establish a governance model for the health
37 34 information network.
37 35 g. To establish sustainable business and technical
37 36 operations for the health information exchange.
37 37 h. To secure financial resources to develop and
37 38 sustain the health information network.
37 39 i. To monitor and evaluate health information
37 40 technology progress and outcomes.
37 41 6. Iowa e=health shall include the following five
37 42 domains:
37 43 a. Governance. Iowa e=health shall be governed
37 44 by a board of directors whose members represent
37 45 stakeholders such as provider organizations and
37 46 associations, providers, payers, purchasers,
37 47 governmental entities, business, and consumers. Iowa
37 48 e=health shall be supported by the department's office
37 49 of health information technology. The board shall
37 50 set direction, goals, and policies for Iowa e=health



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

House Amendment 1732 continued

38 1 and provide oversight of the business and technical
38 2 operations of the health information network and health
38 3 information network services.
38 4 b. Business and technical operations. The office of
38 5 health information technology shall perform day=to=day
38 6 operations to support and advance Iowa e=health, the
38 7 health information network, and health information
38 8 network services.
38 9 c. Finance. Iowa e=health shall identify and
38 10 manage financial resources to achieve short=term and
38 11 long=term sustainability of the health information
38 12 network. The health information network shall be
38 13 financed by participants based on a business model and
38 14 financial sustainability plan approved by the board
38 15 no later than December 31, 2011, and submitted to the
38 16 governor and the general assembly. The model and plan
38 17 may contemplate participant fees based on value=based
38 18 principles. Fees shall not be assessed to participants
38 19 prior to approval by the board and an enactment of the
38 20 general assembly establishing such fees.
38 21 d. Technical infrastructure. Iowa e=health shall
38 22 implement and manage the core infrastructure and
38 23 standards to enable the safe and secure delivery of
38 24 health information to providers and consumers through
38 25 the health information network.
38 26 e. Legal and policy. Iowa e=health shall establish
38 27 privacy and security policies and guidelines, and
38 28 participation and data sharing agreements, to protect
38 29 consumers and enforce rules for utilization of the
38 30 health information network.
38 31 Sec. _____. NEW SECTION. 135D.4 Governance ==== board
38 32 of directors ==== advisory council.
38 33 1. Iowa e=health shall be governed by a board of
38 34 directors. Board members shall be residents of the
38 35 state of Iowa. The membership of the board shall
38 36 comply with sections 69.16 and 69.16A.
38 37 2. The board of directors shall be comprised of the
38 38 following members:
38 39 a. The board shall include all of the following as
38 40 voting members:
38 41 (1) Two members who represent the Iowa
38 42 collaborative safety net provider network created in
38 43 section 135.153, designated by the network.
38 44 (2) Four members who represent hospitals, two of
38 45 whom are designated by the two largest health care
38 46 systems in the state, one of whom is designated by the
38 47 university of Iowa hospitals and clinics, and one of
38 48 whom is designated by the Iowa hospital association to
38 49 represent critical access hospitals.
38 50 (3) Two members who represent two different private



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

House Amendment 1732 continued

39 1 health insurance carriers, designated by the federation
39 2 of Iowa insurers, one of which has the largest health
39 3 market share in Iowa.
39 4 (4) One member who is a licensed physician,
39 5 designated by the Iowa medical society.
39 6 (5) One member representing the department who is
39 7 designated by the department.
39 8 (6) One member representing the Iowa Medicaid
39 9 enterprise who is the Iowa Medicaid director, or the
39 10 director's designee.
39 11 b. The board shall include as ex officio,
39 12 nonvoting members four members of the general
39 13 assembly, one appointed by the speaker of the house of
39 14 representatives, one appointed by the minority leader
39 15 of the house of representatives, one appointed by the
39 16 majority leader of the senate, and one appointed by the
39 17 minority leader of the senate.
39 18 3. A person shall not serve on the board in any
39 19 capacity if the person is required to register as a
39 20 lobbyist under section 68B.36 because of the person's
39 21 activities for compensation on behalf of a profession
39 22 or an entity that is engaged in providing health care,
39 23 reviewing or analyzing health care, paying for health
39 24 care services or procedures, or providing health
39 25 information technology or health information network
39 26 services.
39 27 4. a. Board members shall serve four-year terms
39 28 but shall not serve more than two consecutive four-year
39 29 terms. However, the board members who represent state
39 30 agencies are not subject to term limits.
39 31 b. At the end of any term, a member of the
39 32 board may continue to serve until the appointing or
39 33 designating authority names a successor.
39 34 c. A vacancy on the board shall be filled for the
39 35 remainder of the term in the manner of the original
39 36 appointment. A vacancy in the membership of the board
39 37 shall not impair the right of the remaining members to
39 38 exercise all the powers and perform all the duties of
39 39 the board.
39 40 d. A board member may be removed by the board for
39 41 cause including but not limited to malfeasance in
39 42 office, failure to attend board meetings, misconduct,
39 43 or violation of ethical rules and standards.
39 44 Nonattendance of the board members appointed by the
39 45 governor shall be governed by the provisions of section
39 46 69.15. A board member may be removed by a vote of the
39 47 board if, based on the criteria provided in section
39 48 69.15, subsection 1, paragraphs "a" and "b", the board
39 49 member would be deemed to have submitted a resignation
39 50 from the board.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

House Amendment 1732 continued

40 1 e. The board members shall elect a chairperson from
40 2 their membership. The department's designee shall
40 3 serve as vice chairperson.
40 4 5. Meetings of the board shall be governed by the
40 5 provisions of chapter 21.
40 6 a. The board shall meet upon the call of the
40 7 chairperson or the vice chairperson. Notice of the
40 8 time and place of each board meeting shall be given
40 9 to each member. The board shall keep accurate and
40 10 complete records of all of its meetings.
40 11 b. A simple majority of the members shall
40 12 constitute a quorum to enable the transaction of any
40 13 business and for the exercise of any power or function
40 14 of the board. Action may be taken and motions and
40 15 resolutions adopted by the affirmative vote of a
40 16 majority of the members attending the meeting whether
40 17 in person, by telephone, web conference, or other
40 18 means. A board member shall not vote by proxy or
40 19 through a delegate.
40 20 c. Public members of the board shall receive
40 21 reimbursement for actual expenses incurred while
40 22 serving in their official capacity, only if they are
40 23 not eligible for reimbursement by the organization that
40 24 they represent. A person who serves as a member of
40 25 the board shall not by reason of such membership be
40 26 entitled to membership in the Iowa public employees'
40 27 retirement system or service credit for any public
40 28 retirement system.
40 29 6. The board may exercise its powers, duties,
40 30 and functions as provided in this chapter and as
40 31 prescribed by law. The director and the board shall
40 32 ensure that matters under the purview of the board
40 33 are carried out in a manner that does not violate or
40 34 risk violation of applicable state or federal laws or
40 35 regulations, and that supports overriding public policy
40 36 and public safety concerns, fiscal compliance, and
40 37 compliance with the office of the national coordinator
40 38 for health information technology state health
40 39 information exchange cooperative agreement program or
40 40 any other cooperative agreement programs or grants
40 41 supporting Iowa e=health. The board shall do all of
40 42 the following:
40 43 a. Participate in the selection of the executive
40 44 director and assist in the development of performance
40 45 standards and evaluations of the executive director.
40 46 b. Establish priorities among health information
40 47 network services based on the needs of the population
40 48 of this state.
40 49 c. Oversee the handling and accounting of assets
40 50 and moneys received for or generated by the health



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

House Amendment 1732 continued

41 1 information network.
41 2 d. Establish committees and workgroups as needed.
41 3 e. Review and approve or disapprove all of the
41 4 following, as proposed by the department:
41 5 (1) Strategic, operational, and financial
41 6 sustainability plans for Iowa e=health, the health
41 7 information network, and health information network
41 8 services.
41 9 (2) Standards, requirements, policies, and
41 10 procedures for access, use, secondary use, and privacy
41 11 and security of health information network through the
41 12 health information exchange, consistent with applicable
41 13 federal and state standards and laws.
41 14 (3) Policies and procedures for administering the
41 15 infrastructure, technology, and associated professional
41 16 services necessary for the business and technical
41 17 operation of the health information network and health
41 18 information network services.
41 19 (4) Policies and procedures for evaluation of the
41 20 health information network and health information
41 21 network services.
41 22 (5) Mechanisms for periodic review and update of
41 23 policies and procedures.
41 24 (6) An annual budget and fiscal report for the
41 25 operations of the health information network and an
41 26 annual report for Iowa e=health and health information
41 27 network services.
41 28 (7) Major purchases of goods and services.
41 29 f. Adopt administrative rules pursuant to chapter
41 30 17A to implement this chapter and relating to the
41 31 management and operation of the health information
41 32 network and health information network services.
41 33 g. Adopt rules for monitoring access to and use
41 34 of the health information network and enforcement
41 35 of health information network rules, standards,
41 36 requirements, policies, and procedures. The board
41 37 may suspend, limit, or terminate a participant's
41 38 utilization of the health information network for
41 39 violation of such rules, standards, requirements,
41 40 policies, or procedures, and shall establish, by rule,
41 41 a process for notification, right to respond, and
41 42 appeal relative to such violations.
41 43 h. Have all remedies allowed by law to address any
41 44 violation of the terms of the participation and data
41 45 sharing agreement.
41 46 i. Perform any and all other activities in
41 47 furtherance of its purpose.
41 48 7. a. A board member is subject to chapter 68B,
41 49 the rules adopted by the Iowa ethics and campaign
41 50 disclosure board, and the ethics rules and requirements



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

House Amendment 1732 continued

- 42 1 that apply to the executive branch of state government.
- 42 2 b. A board member shall not participate in any
- 42 3 matter before the board in which the board member
- 42 4 has a direct or indirect interest in an undertaking
- 42 5 that places the board member's personal or business
- 42 6 interests in conflict with those of Iowa e=health,
- 42 7 including but not limited to an interest in a
- 42 8 procurement contract, or that may create the appearance
- 42 9 of impropriety.
- 42 10 8. Advisory council.
- 42 11 a. An advisory council to the board is established
- 42 12 to provide an additional mechanism for obtaining
- 42 13 broader stakeholder advice and input regarding health
- 42 14 information technology, the health information network,
- 42 15 and health information network services.
- 42 16 b. The advisory council shall be comprised of the
- 42 17 following members who shall serve two=year staggered
- 42 18 terms:
- 42 19 (1) The following members designated as specified:
- 42 20 (a) One member who is a licensed practicing nurse
- 42 21 in an office or clinic setting, designated by the Iowa
- 42 22 nurses association.
- 42 23 (b) One member representing licensed pharmacists,
- 42 24 designated by the Iowa pharmacy association.
- 42 25 (c) One member representing the Iowa healthcare
- 42 26 collaborative, designated by the collaborative.
- 42 27 (d) One member representing substance abuse
- 42 28 programs, designated by the Iowa behavioral health
- 42 29 association.
- 42 30 (e) One member representing community mental
- 42 31 health centers, designated by the Iowa association of
- 42 32 community providers.
- 42 33 (f) One member representing long=term care
- 42 34 providers, designated by the Iowa health care
- 42 35 association/Iowa center for assisted living and the
- 42 36 Iowa association of homes and services for the aging.
- 42 37 (g) One member representing licensed physicians,
- 42 38 designated by the Iowa academy of family physicians.
- 42 39 (h) One member representing chiropractors,
- 42 40 designated by the Iowa chiropractic society.
- 42 41 (i) One member who is a practicing physician in
- 42 42 an office or clinic setting, designated by the Iowa
- 42 43 osteopathic medical association.
- 42 44 (j) One member representing business interests,
- 42 45 designated by the Iowa association of business and
- 42 46 industry.
- 42 47 (2) The following members appointed by the board:
- 42 48 (a) One member representing the state board of
- 42 49 health.
- 42 50 (b) One member representing academics.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1732 continued

43 1 (c) One member representing the Iowa Medicare
43 2 quality improvement organization.
43 3 (d) One member who is the state chief information
43 4 officer.
43 5 (e) One member representing the private
43 6 telecommunications industry.
43 7 (f) One member representing Des Moines university.
43 8 (g) One member representing home health care
43 9 providers.
43 10 (h) One member representing the department of
43 11 veterans affairs.
43 12 c. The board may change the membership and the
43 13 composition of the advisory council, by rule, to
43 14 accommodate changes in stakeholder interests and the
43 15 evolution of health information technology, the health
43 16 information network, and health information network
43 17 services. An advisory council member may be removed by
43 18 a vote of the board if, based on the criteria provided
43 19 in section 69.15, subsection 1, paragraphs "a" and "b",
43 20 the advisory council member would be deemed to have
43 21 submitted a resignation from the advisory council.
43 22 Sec. _____. NEW SECTION. 135D.5 Business and
43 23 technical operations ==== office of health information
43 24 technology.
43 25 1. The office of health information technology
43 26 is established within the department and shall be
43 27 responsible for the day-to-day business and operations
43 28 of Iowa e=health, the health information network, and
43 29 health information network services. The office shall
43 30 be under the direction of the director and under the
43 31 supervision of the deputy director.
43 32 2. a. The department shall employ an executive
43 33 director to manage the office and the executive
43 34 director shall report to the deputy director.
43 35 b. The executive director shall manage the planning
43 36 and implementation of Iowa e=health, the health
43 37 information network, and health information network
43 38 services, and shall provide high-level coordination
43 39 across public and private sector stakeholders.
43 40 c. The executive director shall serve as Iowa's
43 41 health information technology coordinator and primary
43 42 point of contact for the office of the national
43 43 coordinator for health information technology,
43 44 other federal and state agencies involved in health
43 45 information technology, and state health information
43 46 technology coordinators from other states.
43 47 3. a. The executive director and all other
43 48 employees of the office shall be employees of the
43 49 state, classified and compensated in accordance with
43 50 chapter 8A, subchapter IV, and chapter 20.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

House Amendment 1732 continued

44 1 b. Subject to approval of the board, the director
44 2 shall have the sole power to determine the number of
44 3 full-time and part-time equivalent positions necessary
44 4 to carry out the provisions of this chapter.
44 5 c. An employee of the office shall not have a
44 6 financial interest in any vendor doing business or
44 7 proposing to do business with Iowa e=health.
44 8 4. The department shall do all of the following:
44 9 a. Develop, implement, and enforce the following,
44 10 as approved by the board:
44 11 (1) Strategic, operational, and financial
44 12 sustainability plans for the health information
44 13 network, Iowa e=health, and health information network
44 14 services.
44 15 (2) Standards, requirements, policies, and
44 16 procedures for access, use, secondary use, and privacy
44 17 and security of health information exchanged through
44 18 the health information network, consistent with
44 19 applicable federal and state standards and laws.
44 20 (3) Policies and procedures for monitoring
44 21 participant usage of the health information network
44 22 and health information network services; enforcing
44 23 noncompliance with health information network
44 24 standards, requirements, policies, rules, and
44 25 procedures.
44 26 (4) Policies and procedures for administering
44 27 the infrastructure, technology, and associated
44 28 professional services required for operation of the
44 29 health information network and health information
44 30 network services.
44 31 (5) Policies and procedures for evaluation of the
44 32 health information network and health information
44 33 network services.
44 34 (6) A mechanism for periodic review and update of
44 35 policies and procedures.
44 36 (7) An annual budget and fiscal report for the
44 37 business and technical operations of the health
44 38 information network and an annual report for Iowa
44 39 e=health, the health information network, and health
44 40 information network services. The department shall
44 41 submit all such reports to the general assembly.
44 42 b. Convene and facilitate board, advisory council,
44 43 workgroup, committee, and other stakeholder meetings.
44 44 c. Provide technical and operational assistance for
44 45 planning and implementing Iowa e=health activities,
44 46 the health information network, and health information
44 47 network services.
44 48 d. Provide human resource, budgeting, project and
44 49 activity coordination, and related management functions
44 50 to Iowa e=health, the health information network, and



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

House Amendment 1732 continued

45 1 health information network services.
45 2 e. Develop educational materials and educate the
45 3 general public on the benefits of electronic health
45 4 records, the health information network, and the
45 5 safeguards available to prevent unauthorized disclosure
45 6 of health information.
45 7 f. Enter into participation and data sharing
45 8 agreements with participants of the health information
45 9 network.
45 10 g. Record receipts and approval of payments, and
45 11 file required financial reports.
45 12 h. Apply for, acquire by gift or purchase, and
45 13 hold, dispense, or dispose of funds and real or
45 14 personal property from any person, governmental entity,
45 15 or organization in the exercise of its powers and
45 16 performance of its duties in accordance with this
45 17 chapter.
45 18 i. Administer grant funds in accordance with the
45 19 terms of the grant and all applicable state and federal
45 20 laws, rules, and regulations.
45 21 j. Select and contract with vendors in compliance
45 22 with applicable state and federal procurement laws and
45 23 regulations.
45 24 k. Coordinate with other health information
45 25 technology and health information network programs and
45 26 activities.
45 27 l. Work to align interstate and intrastate
45 28 interoperability and standards in accordance with
45 29 national health information exchange standards.
45 30 m. Execute all instruments necessary or incidental
45 31 to the performance of its duties and the execution of
45 32 its powers.
45 33 Sec. ____ NEW SECTION. 135D.6 Iowa e=health
45 34 finance fund.
45 35 1. The Iowa e=health finance fund is created as
45 36 a separate fund within the state treasury under the
45 37 control of the board. Revenues, donations, gifts,
45 38 interest, or other moneys received or generated
45 39 relative to the operation and administration of the
45 40 health information network and health information
45 41 network services, shall be deposited in the fund.
45 42 2. Moneys in the fund shall be expended by
45 43 the department only on activities and operations
45 44 suitable to the performance of the department's
45 45 duties on behalf of the board and Iowa e=health as
45 46 specified in this chapter, subject to board approval.
45 47 Disbursements may be made from the fund for purposes
45 48 related to the administration, management, operations,
45 49 functions, activities, and sustainability of the health
45 50 information network and health information network



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

House Amendment 1732 continued

46 1 services.
46 2 3. Notwithstanding section 12C.7, subsection 2,
46 3 earnings or interest on moneys deposited in the fund
46 4 shall be credited to the fund. Notwithstanding section
46 5 8.33, any unexpended balance in the fund at the end
46 6 of each fiscal year shall be retained in the fund and
46 7 shall not be transferred to the general fund of the
46 8 state.
46 9 4. The moneys in the fund shall be subject to
46 10 financial and compliance audits by the auditor of
46 11 state.
46 12 5. The general assembly may appropriate moneys
46 13 in the fund to the department on behalf of Iowa
46 14 e=health for the health information network and health
46 15 information network services.
46 16 Sec. _____. NEW SECTION. 135D.7 Technical
46 17 infrastructure.
46 18 1. The health information network shall provide
46 19 a mechanism to facilitate and support the secure
46 20 electronic exchange of health information between
46 21 participants. The health information network shall
46 22 not function as a central repository of all health
46 23 information.
46 24 2. The health information network shall provide a
46 25 mechanism for participants without an electronic health
46 26 record system to access health information from the
46 27 health information network.
46 28 3. The technical infrastructure of the health
46 29 information network shall be designed to facilitate
46 30 the secure electronic exchange of health information
46 31 using functions including but not limited to all of the
46 32 following:
46 33 a. A master patient index, in the absence of a
46 34 single, standardized patient identifier, to exchange
46 35 secure health information among participants.
46 36 b. A record locator service to locate and exchange
46 37 secure health information among participants.
46 38 c. Authorization, authentication, access, and
46 39 auditing processes for security controls to protect
46 40 the privacy of consumers and participants and the
46 41 confidentiality of health information by limiting
46 42 access to the health information network and health
46 43 information to participants whose identity has been
46 44 authenticated, and whose access to health information
46 45 is limited by their role and recorded through an audit
46 46 trail.
46 47 d. Electronic transmission procedures and software
46 48 necessary to facilitate the electronic exchange of
46 49 various types of health information through the health
46 50 information network.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

House Amendment 1732 continued

47 1 e. Telecommunications through coordination of
47 2 public and private networks to provide the backbone
47 3 infrastructure to connect participants exchanging
47 4 health information. The networks may include but
47 5 are not limited to the state-owned communications
47 6 network, other fiber optic networks, and private
47 7 telecommunications service providers.
47 8 4. The state shall own or possess the rights
47 9 to use all processes and software developed, and
47 10 hardware installed, leased, designed, or purchased
47 11 for the health information network, and shall permit
47 12 participants to use the health information network
47 13 and health information network services in accordance
47 14 with the standards, policies, procedures, rules, and
47 15 regulations approved by the board, and the terms of the
47 16 participation and data sharing agreement.
47 17 Sec. _____. NEW SECTION. 135D.8 Legal and policy.
47 18 1. Upon approval from the board, the office
47 19 of health information technology shall establish
47 20 appropriate security standards, policies, and
47 21 procedures to protect the transmission and receipt of
47 22 individually identifiable health information exchanged
47 23 through the health information network. The security
47 24 standards, policies, and procedures shall, at a
47 25 minimum, comply with the Health Insurance Portability
47 26 and Accountability Act security rule pursuant to 45
47 27 C.F.R. pt. 164, subpt. C, and shall reflect all of the
47 28 following:
47 29 a. Include authorization controls, including the
47 30 responsibility to authorize, maintain, and terminate a
47 31 participant's use of the health information network.
47 32 b. Require authentication controls to verify the
47 33 identity and role of the participant using the health
47 34 information network.
47 35 c. Include role-based access controls to restrict
47 36 functionality and information available through the
47 37 health information network.
47 38 d. Include a secure and traceable electronic audit
47 39 system to document and monitor the sender and the
47 40 recipient of health information exchanged through the
47 41 health information network.
47 42 e. Require standard participation and data sharing
47 43 agreements which define the minimum privacy and
47 44 security obligations of all participants using the
47 45 health information network and health information
47 46 network services.
47 47 f. Include controls over access to and the
47 48 collection, organization, and maintenance of records
47 49 and data for purposes of research or population health
47 50 that protect the confidentiality of consumers who are



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

House Amendment 1732 continued

48 1 the subject of the health information.
48 2 2. a. A patient shall have the opportunity to
48 3 decline exchange of their health information through
48 4 the health information network. The board shall
48 5 provide by rule the means and process by which patients
48 6 may decline participation. A patient shall not be
48 7 denied care or treatment for declining to exchange
48 8 their health information, in whole or in part, through
48 9 the health information network. The means and process
48 10 utilized under the rules shall minimize the burden on
48 11 patients and providers.
48 12 b. Unless otherwise authorized by law or rule,
48 13 a patient's decision to decline participation means
48 14 that none of the patient's health information shall be
48 15 exchanged through the health information network. If a
48 16 patient does not decline participation, the patient's
48 17 health information may be exchanged through the health
48 18 information network except as follows:
48 19 (1) If health information associated with a patient
48 20 visit with a provider is protected by state law that is
48 21 more restrictive than the Health Insurance Portability
48 22 and Accountability Act, a patient shall have the right
48 23 to decline sharing of health information through the
48 24 health information network from such visit as provided
48 25 by rule.
48 26 (2) With the consent of the patient, a provider
48 27 may limit health information associated with a patient
48 28 visit from being shared through the health information
48 29 network if such limitation is reasonably determined
48 30 by the provider, in consultation with the patient, to
48 31 be in the best interest of the patient as provided by
48 32 rule.
48 33 c. A patient who declines participation in the
48 34 health information network may later decide to
48 35 have health information shared through the health
48 36 information network. A patient who is participating
48 37 in the health information network may later decline
48 38 participation in the health information network.
48 39 3. The office shall develop and distribute
48 40 educational tools and information for consumers,
48 41 patients, and providers to inform them about the health
48 42 information network, including but not limited to the
48 43 safeguards available to prevent unauthorized disclosure
48 44 of health information and a patient's right to decline
48 45 participation in the health information network.
48 46 4. a. A participant shall not release or use
48 47 protected health information exchanged through the
48 48 health information network for purposes unrelated
48 49 to prevention, treatment, payment, or health care
48 50 operations unless otherwise authorized or required by



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

House Amendment 1732 continued

49 1 law. Participants shall limit the use and disclosure
49 2 of protected health information to the minimum amount
49 3 required to accomplish the intended purpose of the use
49 4 or request, in compliance with the Health Insurance
49 5 Portability and Accountability Act and other applicable
49 6 federal law. Use or distribution of the information
49 7 for a marketing purpose, as defined by the Health
49 8 Insurance Portability and Accountability Act, is
49 9 strictly prohibited.

49 10 b. The department, the office, and all persons
49 11 using the health information network shall be
49 12 individually responsible for following breach
49 13 notification policies as provided by the Health
49 14 Insurance Portability and Accountability Act.

49 15 c. A participant shall not be compelled by
49 16 subpoena, court order, or other process of law
49 17 to access health information through the health
49 18 information network in order to gather records or
49 19 information not created by the participant.

49 20 5. a. If a patient has declined participation in
49 21 the health information network, the patient's health
49 22 information may be released to a provider through the
49 23 health information network if all of the following
49 24 circumstances exist:

49 25 (1) The patient is unable to provide consent due to
49 26 incapacitation.

49 27 (2) The requesting provider believes, in good
49 28 faith, that the information is necessary to prevent
49 29 imminent serious injury to the patient. Imminent
49 30 serious injury includes but it not limited to death,
49 31 injury or disease that creates a substantial risk of
49 32 death, or injury or disease that causes protracted loss
49 33 or impairment of any organ or body system.

49 34 (3) Such information cannot otherwise be readily
49 35 obtained.

49 36 b. The department shall provide by rule for the
49 37 reporting of emergency access and use by a provider.

49 38 6. All participants exchanging health information
49 39 and data through the health information network
49 40 shall grant to participants of the health information
49 41 network a nonexclusive license to retrieve and use that
49 42 information or data in accordance with applicable state
49 43 and federal laws, and the policies, procedures, and
49 44 rules established by the board.

49 45 7. The department shall establish by rule the
49 46 procedures for a patient who is the subject of health
49 47 information to do all of the following:

49 48 a. Receive notice of a violation of the
49 49 confidentiality provisions required under this chapter.

49 50 b. Upon request to the department, view an audit



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

House Amendment 1732 continued

50 1 report created under this chapter for the purpose of
50 2 monitoring access to the patient's records.
50 3 8. a. A provider who relies reasonably and in
50 4 good faith upon any health information provided
50 5 through the health information network in treatment
50 6 of a patient shall be immune from criminal or civil
50 7 liability arising from any damages caused by such
50 8 reasonable, good faith reliance. Such immunity shall
50 9 not apply to acts or omissions constituting negligence,
50 10 recklessness, or intentional misconduct.
50 11 b. A participant that has disclosed health
50 12 information through the health information network
50 13 in compliance with applicable law and the standards,
50 14 requirements, policies, procedures, and agreements of
50 15 the health information network shall not be subject to
50 16 criminal or civil liability for the use or disclosure
50 17 of the health information by another participant.
50 18 9. a. Notwithstanding chapter 22, the following
50 19 records shall be kept confidential, unless otherwise
50 20 ordered by a court or consented to by the patient or by
50 21 a person duly authorized to release such information:
50 22 (1) The protected health information contained in,
50 23 stored in, submitted to, transferred or exchanged by,
50 24 or released from the health information network.
50 25 (2) Any protected health information in the
50 26 possession of Iowa e=health or the department due to
50 27 its administration of the health information network.
50 28 b. Unless otherwise provided in this chapter, when
50 29 using the health information network for the purpose of
50 30 patient treatment, a provider is exempt from any other
50 31 state law that is more restrictive than the Health
50 32 Insurance Portability and Accountability Act that would
50 33 otherwise prevent or hinder the exchange of patient
50 34 information by the patient's providers.
50 35 Sec. _____. NEW SECTION. 135D.9 Iowa e=health ====
50 36 health information network services.
50 37 Iowa e=health shall facilitate services through
50 38 the health information network or through other
50 39 marketplace mechanisms to improve the quality, safety,
50 40 and efficiency of health care available to consumers.
50 41 These services shall include but are not limited to all
50 42 of the following:
50 43 1. Patient summary records such as continuity of
50 44 care documents.
50 45 2. A provider directory and provider messaging.
50 46 3. Clinical orders and results.
50 47 4. Public health reporting such as electronic
50 48 reporting to the statewide immunization registry and
50 49 reportable diseases.
50 50 5. Medication history.



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

House Amendment 1732 continued

51 1 Sec. _____. NEW SECTION. 135D.10 Governance review
51 2 and transition.
51 3 1. a. The Iowa e=health governance structure
51 4 shall continue during the first two years of the term
51 5 of the state health information exchange cooperative
51 6 agreement with the office of the national coordinator
51 7 for health information technology to address the
51 8 development of policies and procedures; dissemination
51 9 of interoperability standards; the initiation, testing,
51 10 and operation of the health information network
51 11 infrastructure; and the evolution of health information
51 12 network services to improve patient care for the
51 13 population.
51 14 b. Following the end of the first two years of the
51 15 term of the cooperative agreement, the board and the
51 16 department shall review the Iowa e=health governance
51 17 structure, operations of the health information
51 18 network, and the business and sustainability plan to
51 19 determine if the existing Iowa e=health governance
51 20 structure should continue or should be replaced by any
51 21 of the following:
51 22 (1) A public authority or similar body with broad
51 23 stakeholder representation on its governing board.
51 24 (2) A not=for=profit entity with broad stakeholder
51 25 representation on its governing board.
51 26 2. If the board and department determine that the
51 27 governance structure should be replaced, Iowa e=health
51 28 shall develop a transition plan to transfer the
51 29 responsibilities for the domains specified in section
51 30 135D.3.
51 31 Sec. _____. Section 136.3, subsection 14, Code 2011,
51 32 is amended to read as follows:
51 33 14. Perform those duties authorized pursuant to
51 34 sections ~~135.156~~, 135.159, and 135.161, and other
51 35 provisions of law.
51 36 Sec. _____. Section 249J.14, subsection 2, paragraphs
51 37 a and b, Code 2011, are amended to read as follows:
51 38 a. Design and implement a program for distribution
51 39 and monitoring of provider incentive payments,
51 40 including development of a definition of "meaningful
51 41 use" for purposes of promoting the use of electronic
51 42 medical recordkeeping by providers. The department
51 43 shall develop this program in collaboration with the
51 44 department of public health and the ~~electronic health~~
~~51 45 information advisory council and executive committee~~
~~51 46 board of directors and the advisory council to the~~
51 47 board of Iowa e=health created pursuant to section
51 48 ~~135.156~~ 135D.4.
51 49 b. Develop the medical assistance health
51 50 information technology plan as required by the centers



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

House Amendment 1732 continued

52 1 for Medicare and Medicaid services of the United
52 2 States department of health and human services. The
52 3 plan shall provide detailed implementation plans for
52 4 the medical assistance program for promotion of the
52 5 adoption and meaningful use of health information
52 6 technology by medical assistance providers and the
52 7 Iowa Medicaid enterprise. The plan shall include the
52 8 integration of health information technology and the
52 9 health information ~~exchange network~~ with the medical
52 10 assistance management information system. The plan
52 11 shall be developed in collaboration with the department
52 12 of public health and the ~~electronic health information~~
~~52 13 advisory council and executive committee board of~~
52 14 directors and the advisory council to the board of Iowa
52 15 e=health created pursuant to section ~~135.156~~ 135D.4.
52 16 Sec. _____. INITIAL APPOINTMENTS ===== BOARD.
52 17 1. The initial appointments of board member
52 18 positions described in section 135D.4, as enacted by
52 19 this division of this Act, shall have staggered terms
52 20 as follows:
52 21 a. The board members designated by the Iowa
52 22 collaborative safety net provider network and the Iowa
52 23 medical society, shall have initial terms of two years,
52 24 after which the members shall serve four=year terms.
52 25 b. The board members designated by the two largest
52 26 health care systems in the state, the university of
52 27 Iowa hospitals and clinics, and the Iowa hospital
52 28 association, shall have initial terms of four years,
52 29 after which the members shall serve four=year terms.
52 30 c. The board members designated by the federation
52 31 of Iowa insurers shall serve initial terms of six
52 32 years, after which the members shall serve four=year
52 33 terms.
52 34 2. With the exception of board members who are
52 35 representatives of state agencies and not subject
52 36 to term limits as provided in section 135D.4, board
52 37 members appointed under this section may serve an
52 38 additional four=year term, with the exception of those
52 39 board members initially serving a two=year term, who
52 40 may serve two consecutive four=year terms following the
52 41 initial two=year term.
52 42 Sec. _____. REPEAL. Sections 135.154, 135.155, and
52 43 135.156, Code 2011, are repealed.
52 44 Sec. _____. TRANSITION PROVISIONS. Notwithstanding
52 45 any other provision of this division of this Act,
52 46 the department of public health, and the executive
52 47 committee and the advisory council created pursuant to
52 48 section 135.156, shall continue to exercise the powers
52 49 and duties specified under that section until such time
52 50 as all board members have been appointed as provided



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

House Amendment 1732 continued

53 1 in section 135D.4, as enacted by this division of this
53 2 Act.
53 3 Sec. _____. EFFECTIVE DATE. The sections of this
53 4 division of this Act repealing sections 135.154,
53 5 135.155, and 135.156, and amending sections 136.3 and
53 6 249J.14, take effect on the date all board members are
53 7 appointed as provided in section 135D.4, as enacted by
53 8 this division of this Act. The department of public
53 9 health shall notify the Code editor of such date.
53 10 Sec. _____. EFFECTIVE UPON ENACTMENT. Except as
53 11 otherwise provided in this division of this Act,
53 12 this division of this Act, being deemed of immediate
53 13 importance, takes effect upon enactment.>
53 14 #128. By striking page 83, line 22, through page
53 15 150, line 23.
53 16 #129. Title page, line 3, after <appropriations> by
53 17 inserting <, providing penalties,>
53 18 #130. By renumbering as necessary.
HF649.3237.S (1) 84
jh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

Senate Amendment 3344

PAG LIN

1 1 Amend Senate File 534 as follows:
1 2 #1. Page 1, by striking lines 9 through 13 and
1 3 inserting <hospital, in which surgical abortion
1 4 procedures are performed.>

JONI ERNST

BILL DIX
SF534.3239 (2) 84
pf/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

Senate Amendment 3345

PAG LIN

1 1 Amend Senate File 534 as follows:
1 2 #1. By striking everything after the enacting clause
1 3 and inserting:
1 4 <Section 1. FINDINGS. The general assembly finds
1 5 all of the following:
1 6 1. Abortion can cause serious short-term and
1 7 long-term physical and psychological complications for
1 8 women including but not limited to uterine perforation,
1 9 uterine scarring, cervical perforation or other
1 10 injury, infection, bleeding, hemorrhage, blood clots,
1 11 failure to actually terminate the pregnancy, incomplete
1 12 abortion or retained tissue, pelvic inflammatory
1 13 disease, endometritis, missed ectopic pregnancy,
1 14 cardiac arrest, respiratory arrest, renal failure,
1 15 metabolic disorder, shock, embolism, coma, placenta
1 16 previa in subsequent pregnancies, preterm delivery in
1 17 subsequent pregnancies, free fluid in the abdomen,
1 18 organ damage, adverse reactions to anesthesia and other
1 19 drugs, and psychological or emotional complications
1 20 such as depression, anxiety, sleeping disorders, and
1 21 death.
1 22 2. Abortion has a higher medical risk when the
1 23 procedure is performed later in the pregnancy.
1 24 Compared to an abortion at eight weeks' gestation or
1 25 earlier, the relative risk increases exponentially
1 26 at higher gestations. The incidence of major
1 27 complications is highest after twenty weeks of
1 28 gestation.
1 29 3. The state has a legitimate concern for the
1 30 public's health and safety.
1 31 4. The state has a legitimate interest from the
1 32 outset of pregnancy in protecting the health of the
1 33 woman. More specifically, the state has a legitimate
1 34 concern with the health of women who undergo abortions.
1 35 5. There is substantial evidence that by at least
1 36 twenty weeks after fertilization, an unborn child has
1 37 the physical structures necessary to experience pain.
1 38 6. There is substantial evidence that by twenty
1 39 weeks after fertilization, an unborn child seeks to
1 40 evade certain stimuli in a manner which, in an infant
1 41 or an adult, would be interpreted as a response to
1 42 pain.
1 43 7. Anesthesia is routinely administered to an
1 44 unborn child twenty weeks or more after fertilization
1 45 when the unborn child undergoes prenatal surgery.
1 46 8. Even before twenty weeks after fertilization,
1 47 the unborn child has been observed to exhibit hormonal
1 48 stress responses to painful stimuli, and a reduction
1 49 in such response results when pain medication is
1 50 administered directly to the unborn child.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

Senate Amendment 3345 continued

2 1 9. It is the purpose of the state of Iowa to assert
2 2 a compelling state interest in protecting the unborn
2 3 child from the stage at which substantial medical
2 4 evidence indicates the unborn child is capable of
2 5 feeling pain.
2 6 Sec. 2. NEW SECTION. 146A.1 Definitions.
2 7 As used in this chapter, unless the context
2 8 otherwise requires:
2 9 1. "Abortion" means abortion as defined in section
2 10 146.1.
2 11 2. "Attempt to perform or induce an abortion" means
2 12 an act, or an omission of a statutorily required act,
2 13 that, under the circumstances as the actor believes
2 14 them to be, constitutes a substantial step in a course
2 15 of conduct planned to culminate in the performance or
2 16 inducing of an abortion.
2 17 3. "Department" means the department of public
2 18 health.
2 19 4. "Fertilization" means the fusion of a human
2 20 spermatozoon with a human ovum.
2 21 5. "Medical emergency" means a condition which, in
2 22 reasonable medical judgment, so complicates the medical
2 23 condition of a pregnant woman as to necessitate the
2 24 termination of the human pregnancy to avert the woman's
2 25 death or to avoid a serious risk of substantial and
2 26 irreversible physical impairment of a major bodily
2 27 function. "Medical emergency" does not include a
2 28 condition which is based on a claim or diagnosis that
2 29 the pregnant woman will engage in conduct which would
2 30 result in the pregnant woman's death or in substantial
2 31 and irreversible physical impairment of a major bodily
2 32 function.
2 33 6. "Medical facility" means any public or private
2 34 hospital, clinic, center, medical school, medical
2 35 training institution, health care facility, physician's
2 36 office, infirmary, dispensary, ambulatory surgical
2 37 center, or other institution or location where medical
2 38 care is provided to any person.
2 39 7. "Physician" means a person licensed under
2 40 chapter 148.
2 41 8. "Postfertilization age" means the age of the
2 42 unborn child as calculated from the fertilization of
2 43 the human ovum.
2 44 9. "Probable postfertilization age" means what,
2 45 in reasonable medical judgment, will with reasonable
2 46 probability be the postfertilization age of the unborn
2 47 child at the time an abortion is to be performed.
2 48 10. "Reasonable medical judgment" means a medical
2 49 judgment made by a reasonably prudent physician who
2 50 is knowledgeable about the case and the treatment



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

Senate Amendment 3345 continued

3 1 possibilities with respect to the medical conditions
3 2 involved.
3 3 11. "Unborn child" means an individual organism of
3 4 the species homo sapiens from fertilization until live
3 5 birth.
3 6 Sec. 3. NEW SECTION. 146A.2 Determination of
3 7 postfertilization age prior to abortion ==== abortion
3 8 prohibited at twenty or more weeks postfertilization age
3 9 ==== exceptions ==== reporting requirements ==== penalties.
3 10 1. Except in the case of a medical emergency,
3 11 an abortion shall not be performed or induced or
3 12 be attempted to be performed or induced unless
3 13 the physician performing or inducing the abortion
3 14 has first made a determination of the probable
3 15 postfertilization age of the unborn child or relied
3 16 upon such a determination made by another physician.
3 17 In making such a determination, a physician shall make
3 18 such inquiries of the pregnant woman and perform or
3 19 cause to be performed such medical examinations and
3 20 tests the physician considers necessary in making a
3 21 reasonable medical judgment to accurately determine the
3 22 postfertilization age of the unborn child.
3 23 2. a. A physician shall not perform or induce
3 24 or attempt to perform or induce an abortion upon a
3 25 pregnant woman when it has been determined, by the
3 26 physician performing or inducing the abortion or
3 27 by another physician upon whose determination that
3 28 physician relies, that the probable postfertilization
3 29 age of the unborn child is twenty or more weeks unless,
3 30 in the physician's reasonable medical judgment, any of
3 31 the following applies:
3 32 (1) The pregnant woman has a condition which the
3 33 physician deems a medical emergency.
3 34 (2) It is necessary to preserve the life of an
3 35 unborn child.
3 36 b. An abortion performed or induced under this
3 37 subsection shall be performed or induced in a medical
3 38 facility that provides the appropriate level of
3 39 perinatal care as specified in 641 IAC 150.
3 40 3. A physician who performs or induces or attempts
3 41 to perform or induce an abortion shall report to
3 42 the department, on a schedule and in accordance with
3 43 forms and rules adopted by the department, all of the
3 44 following:
3 45 a. If a determination of probable postfertilization
3 46 age of the unborn child was made, the probable
3 47 postfertilization age determined and the method and
3 48 basis of the determination.
3 49 b. If a determination of probable postfertilization
3 50 age of the unborn child was not made, the basis of the



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

Senate Amendment 3345 continued

4 1 determination that a medical emergency existed.

4 2 c. If the probable postfertilization age of the

4 3 unborn child was determined to be twenty or more weeks,

4 4 the basis of the determination of a medical emergency,

4 5 or the basis of the determination that the abortion was

4 6 necessary to preserve the life of an unborn child.

4 7 d. The method used for the abortion and, in the

4 8 case of an abortion performed when the probable

4 9 postfertilization age was determined to be twenty or

4 10 more weeks, whether the method of abortion used was one

4 11 that, in the physician's reasonable medical judgment,

4 12 provided the best opportunity for the unborn child to

4 13 survive or, if such a method was not used, the basis

4 14 of the determination that termination of the human

4 15 pregnancy in that manner would pose a greater risk than

4 16 would any other available method of the death of the

4 17 pregnant woman or of the substantial and irreversible

4 18 physical impairment of a major bodily function.

4 19 4. a. By June 30, annually, the department shall

4 20 issue a public report providing statistics for the

4 21 previous calendar year, compiled from the reports for

4 22 that year submitted in accordance with subsection

4 23 3. The department shall ensure that none of the

4 24 information included in the public reports could

4 25 reasonably lead to the identification of any woman upon

4 26 whom an abortion was performed.

4 27 b. (1) A physician who fails to submit a report by

4 28 the end of thirty days following the due date shall be

4 29 subject to a late fee of five hundred dollars for each

4 30 additional thirty-day period or portion of a thirty-day

4 31 period the report is overdue.

4 32 (2) A physician required to report in accordance

4 33 with subsection 3 who has not submitted a report or who

4 34 has submitted only an incomplete report more than one

4 35 year following the due date, may, in an action brought

4 36 in the manner in which actions are brought to enforce

4 37 chapter 148, be directed by a court of competent

4 38 jurisdiction to submit a complete report within a time

4 39 period stated by court order or be subject to contempt

4 40 of court.

4 41 (3) A physician who intentionally or recklessly

4 42 falsifies a report required under this section is

4 43 subject to a civil penalty of one hundred dollars.

4 44 5. Any medical facility in which a physician is

4 45 authorized to perform an abortion shall implement

4 46 written medical policies and procedures consistent with

4 47 the requirements and prohibitions of this chapter.

4 48 6. The department shall adopt rules to administer

4 49 this section.

4 50 Sec. 4. NEW SECTION. 146A.3 Civil and criminal



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

Senate Amendment 3345 continued

5 1 actions ==== penalties.
5 2 1. Failure of a physician to comply with any
5 3 provision of section 146A.2, with the exception of the
5 4 late filing of a report or failure to submit a complete
5 5 report in compliance with a court order, is grounds for
5 6 license discipline under chapter 148.
5 7 2. A physician who intentionally or recklessly
5 8 performs or attempts to perform an abortion in
5 9 violation of this chapter is guilty of a class "C"
5 10 felony.
5 11 3. A woman upon whom an abortion has been performed
5 12 in violation of this chapter or the biological father
5 13 may maintain an action against the physician who
5 14 performed the abortion in intentional or reckless
5 15 violation of this chapter for actual damages. This
5 16 subsection shall not be interpreted to apply to a
5 17 biological father when the pregnancy is the result of
5 18 rape or incest.
5 19 4. A woman upon whom an abortion has been attempted
5 20 in violation of this chapter may maintain an action
5 21 against the physician who attempted to perform the
5 22 abortion in intentional or reckless violation of this
5 23 chapter for actual damages.
5 24 5. A cause of action for injunctive relief to
5 25 prevent a physician from performing abortions may be
5 26 maintained against a physician who has intentionally
5 27 violated this chapter by the woman upon whom the
5 28 abortion was performed or attempted to be performed,
5 29 by the spouse of the woman, by a parent or guardian of
5 30 the woman if the woman is less than eighteen years of
5 31 age or unmarried at the time the abortion was performed
5 32 or attempted to be performed, by a current or former
5 33 licensed health care provider of the woman, by a county
5 34 attorney with appropriate jurisdiction, or by the
5 35 attorney general.
5 36 6. A woman upon whom an abortion was performed or
5 37 was attempted to be performed shall not be subject to
5 38 prosecution for a violation of this chapter.
5 39 7. If the plaintiff prevails in an action brought
5 40 under this section, the plaintiff shall be entitled to
5 41 an award for reasonable attorney fees.
5 42 8. If the defendant prevails in an action brought
5 43 under this section and the court finds that the
5 44 plaintiff's suit was frivolous and brought in bad
5 45 faith, the defendant shall be entitled to an award for
5 46 reasonable attorney fees.
5 47 9. Damages and attorney fees shall not be assessed
5 48 against the woman upon whom an abortion was performed
5 49 or attempted to be performed except as provided in
5 50 subsection 8.



**Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011**

Senate Amendment 3345 continued

6 1 10. In a civil or criminal proceeding or action
6 2 brought under this chapter, the court shall rule
6 3 whether the anonymity of any woman upon whom an
6 4 abortion has been performed or attempted shall be
6 5 preserved from public disclosure if the woman does
6 6 not provide consent to such disclosure. The court,
6 7 upon motion or on its own motion, shall make such a
6 8 ruling and, upon determining that the woman's anonymity
6 9 should be preserved, shall issue orders to the parties,
6 10 witnesses, and counsel and shall direct the sealing of
6 11 the record and exclusion of individuals from courtrooms
6 12 or hearing rooms to the extent necessary to safeguard
6 13 the woman's identity from public disclosure. Each such
6 14 order shall be accompanied by specific written findings
6 15 explaining why the anonymity of the woman should
6 16 be preserved from public disclosure, why the order
6 17 is essential to that end, how the order is narrowly
6 18 tailored to serve that interest, and why no reasonable
6 19 less restrictive alternative exists. In the absence
6 20 of written consent of the woman upon whom an abortion
6 21 has been performed or attempted, anyone, other than
6 22 a public official, who brings an action under this
6 23 section shall do so under a pseudonym. This subsection
6 24 shall not be construed to conceal the identity of the
6 25 plaintiff or of witnesses from the defendant or from
6 26 attorneys for the defendant.
6 27 Sec. 5. NEW SECTION. 146A.4 Construction.
6 28 Nothing in this chapter shall be construed as
6 29 creating or recognizing a right to an abortion.
6 30 Sec. 6. NEW SECTION. 146A.5 Severability clause.
6 31 If any provision of this chapter or its application
6 32 to any person or circumstance is held invalid,
6 33 the invalidity does not affect other provisions or
6 34 application of this chapter which can be given effect
6 35 without the invalid provision or application, and to
6 36 this end the provisions of this chapter are severable.
6 37 Sec. 7. EFFECTIVE UPON ENACTMENT. This Act, being
6 38 deemed of immediate importance, takes effect upon
6 39 enactment.>
6 40 #2. Title page, by striking lines 1 through 4, and
6 41 inserting <An Act relating to abortions, including
6 42 late term abortions with certain exceptions, providing
6 43 penalties, and including effective date provisions.>

MARK CHELGREN
SF534.3246 (2) 84
pf/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

Senate Amendment 3346

PAG LIN

1 1 Amend Senate File 534 as follows:
1 2 #1. By striking everything after the enacting clause
1 3 and inserting:
1 4 <Section 1. Section 707.7, subsections 1, 2, and 4,
1 5 Code 2011, are amended to read as follows:
1 6 1. Any person who intentionally terminates a human
1 7 pregnancy, with the knowledge and voluntary consent
1 8 of the pregnant person, after ~~the end of the second~~
~~1 9 trimester of the pregnancy~~ a gestation period of
1 10 twenty completed weeks where death of the fetus results
1 11 commits feticide. Feticide is a class "C" felony.
1 12 2. Any person who attempts to intentionally
1 13 terminate a human pregnancy, with the knowledge and
1 14 voluntary consent of the pregnant person, after ~~the end~~
~~1 15 of the second trimester of the pregnancy~~ a gestation
1 16 period of twenty completed weeks where death of the
1 17 fetus does not result commits attempted feticide.
1 18 Attempted feticide is a class "D" felony.
1 19 4. This section shall not apply to the termination
1 20 of a human pregnancy performed by a physician licensed
1 21 in this state to practice medicine or surgery or
1 22 osteopathic medicine or surgery when in the best
1 23 clinical judgment of the physician the termination
1 24 is performed to preserve the life ~~or health~~ of the
1 25 pregnant person or of the fetus and every reasonable
1 26 medical effort not inconsistent with preserving the
1 27 life of the pregnant person is made to preserve the
1 28 life of ~~a viable~~ the fetus.
1 29 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being
1 30 deemed of immediate importance, takes effect upon
1 31 enactment.>
1 32 #2. Title page, by striking lines 1 through 4
1 33 and inserting <An Act relating to feticide, making
1 34 penalties applicable, and including effective date
1 35 provisions.>

MARK CHELGREN
SF534.3247 (1) 84
pf/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

Senate Amendment 3347

PAG LIN

1 1 Amend Senate File 534 as follows:
1 2 #1. Page 1, line 26, after <135B> by inserting <,
1 3 that is located in a county with a population under
1 4 four thousand one hundred based on the most recent
1 5 federal decennial census and>
1 6 #2. Page 1, line 28, after <150> by inserting <,>

MERLIN BARTZ
SF534.3256 (1) 84
pf/nh



Iowa General Assembly
Daily Bills, Amendments & Study Bills
May 16, 2011

Senate Amendment 3348

PAG LIN

1 1 Amend Senate File 534 as follows:
1 2 #1. By striking everything after the enacting clause
1 3 and inserting:
1 4 <Section 1. Section 135.63, subsection 2, Code
1 5 2011, is amended by adding the following new paragraph:
1 6 NEW PARAGRAPH. q. Terminations of human pregnancy
1 7 provided by a hospital or freestanding facility that
1 8 are performed in compliance with section 707.7.
1 9 Sec. 2. Section 707.7, subsections 1, 2, and 4,
1 10 Code 2011, are amended to read as follows:
1 11 1. Any person who intentionally terminates a human
1 12 pregnancy, with the knowledge and voluntary consent
1 13 of the pregnant person, after ~~the end of the second~~
1 14 ~~trimester of the pregnancy~~ a gestation period of
1 15 twenty completed weeks where death of the fetus results
1 16 commits feticide. Feticide is a class "C" felony.
1 17 2. Any person who attempts to intentionally
1 18 terminate a human pregnancy, with the knowledge and
1 19 voluntary consent of the pregnant person, after ~~the end~~
1 20 ~~of the second trimester of the pregnancy~~ a gestation
1 21 period of twenty completed weeks where death of the
1 22 fetus does not result commits attempted feticide.
1 23 Attempted feticide is a class "D" felony.
1 24 4. This section shall not apply to the termination
1 25 of a human pregnancy performed by a physician licensed
1 26 in this state to practice medicine or surgery or
1 27 osteopathic medicine or surgery when in the best
1 28 clinical judgment of the physician the termination
1 29 is performed to preserve the life ~~or health~~ of the
1 30 pregnant person or of the fetus and every reasonable
1 31 medical effort not inconsistent with preserving the
1 32 life of the pregnant person is made to preserve the
1 33 life of ~~a viable~~ the fetus.
1 34 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being
1 35 deemed of immediate importance, takes effect upon
1 36 enactment.>
1 37 #2. Title page, line 1, after <to> by inserting
1 38 <terminations of human pregnancy including>
1 39 #3. Title page, by striking lines 2 through 4 and
1 40 inserting <requirements, and including effective date
1 41 provisions.>

MARK CHELGREN
SF534.3257 (3) 84
pf/nh